97th Congress }
2d Session }

COMMITTEE PRINT

FEDERAL REGULATION OF FIREARMS

A REPORT

PREPARED FOR THE USE OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

BY THE

CONGRESSIONAL RESEARCH SERVICE

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[97th Congress]

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LETTER OF TRANSMITTAL

U.S. SENATE,
Washington, D.C., January 22, 1982.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The issue of handgun control has been before us for many years. Once again, in this Congress, a number of different legislative proposals have been introduced and referred to the Judiciary Committee.

As a member of the Committee, and the sponsor of a bill to control the proliferation of handguns, I asked the Congressional Research Service of the Library of Congress to undertake a comprehensive and objective study of the handgun control issues confronting the Committee in this Session of Congress. That report, "Federal Regulation of Firearms," is now available and I believe it will add to the understanding of the Committee on the pending legislation.

I also believe that the report will be helpful to our colleagues, and I hope that you will approve its publication as a committee print.

Sincerely,

EDWARD M. KENNEDY.

FOREWORD

By Senator Edward M. Kennedy

Every year handguns are used to murder 10,000 Americans and wound or threaten the lives of a quarter of a million more. According to the Federal Bureau of Investigation, the number of violent crimes committed by or with the aid of a firearm—principally short-barrel, cheap, easily concealed handguns—has steadily increased throughout the past several decades. Year after year, the handgun toll climbs inexorably higher.

The alarming statistics on handgun crime are reviewed in this special report on the "Federal Regulation of Firearms" prepared by the Congressional Research Service of the Library of Congress. The report presents a balanced array of perspectives on this important public policy issue. I believe the data and findings it covers provides convincing proof on the need for more effective controls on handguns. And it gives urgency to the recent findings and recommendations of President Reagan's Task Force on Violent Crime, which called for additional controls.

This report tells us what we have known for many years. Until we tighten controls on handguns, especially the so-called "snubbies" and "Saturday Night Specials", the senseless daily tragedy of handgun crime and handgun death in America will continue unabated.

Over 60 million handguns are now in circulation in this country, and the lethal number grows by 2½ million each year. By the year 2000—less than 20 years away—there will be over 100 million handguns in America, enough to supply almost a third of our population. Our Nation is armed to the teeth against itself. Our society is becoming an arsenal of criminal anarchy.

The findings and studies reviewed in this report document once again that we must act to end the escalation of handgun violence. We cannot stop all the violence, but we can make our cities safer for human survival and curb the easy accessibility that criminals now have to cheap, concealable handguns.

There is no question that the American people support handgun control. As this report makes clear in reviewing public opinion surveys over the past 20 years, a substantial majority of the public (between 70 percent and 80 percent) supports some form of handgun control.

This report can contribute to a better understanding in the Congress and the public over the need to act against handgun violence. We can stem the flood of handguns across our land, and reduce the toll of handgun victims, without jeopardizing the right of American citizens to protect themselves and without interfering with those who use handguns for sporting purposes.

LETTER OF SUBMITTAL

Congressional Research Service,
The Library of Congress,
Washington, D.C., December 30, 1981.

Hon. Edward M. Kennedy,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

Dear Senator Kennedy: In response to your request, I am submitting a report on various aspects of the issue of gun regulation.

The report provides a general review of gun regulation as a Federal issue, and also covers existing Federal and State laws, a comparative analysis of major bills now pending before the Congress, recent research on the crime-gun relationship, and public opinion on gun regulation. Its preparation was coordinated and it was written in part by Harry L. Hogan, Specialist in American National Government, Government Division of the Congressional Research Service.

Other contributors from the Congressional Research Service were Kent M. Ronhovde, Legislative Attorney, American Law Division, who with the assistance of Gloria P. Sugars prepared the compilation and digest of State laws; and Royce Crocker, Specialist in American National Government (Survey and Statistical Methodology), Government Division, who prepared the chapter on public attitudes toward gun control.

We hope that this report will serve the needs of the Committee on the Judiciary in any review of the gun control question that might be undertaken by the committee.

Sincerely,

Gilbert Gude, *Director.*

Enclosure.

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FEDERAL REGULATION OF FIREARMS

I. FEDERAL REGULATION OF FIREARMS: THE ISSUE IN BRIEF*

A. STATEMENT OF THE ISSUE

The attack on President Reagan in March 1981, which resulted in the wounding of the President and three others, has again reopened the national debate on gun control. In the sense that it concerns a Federal role, this debate began in the 1920s. Its early phase resulted in the enactment of three Federal statutes designed to reduce the availability of guns to criminals or to disclose to the government the ownership of especially lethal guns. These laws—passed in 1927, 1934, and 1938—remained for the most part unchallenged until the early 1960s, when a Senate investigation of juvenile delinquency focused attention on a flourishing mail-order trade in firearms. The inquiry ultimately led to a major revision of the existing statutes. The revised law, enacted in 1968, was criticized by many proponents of gun control as being too moderate and by most opponents as being unnecessarily restrictive; both sides have pressed regularly for amendments. Only minor changes have been approved, however, and in the past several years the issue has been relatively dormant. The attempt on the President's life resurrected the calls for stronger controls.

Is gun control crime control? Would the stricter regulation of firearm commerce or ownership lower the Nation's rates of homicide, robbery, and assault? Would it stop the attacks on public figures?

Although gun control advocates include firearm suicides and accidents among reasons for strengthening regulation, they offer as their principal concern the large number of violent crimes committed in this country each year. Pointing to the generally lower crime rates of other industrial nations, they contend that a strict curb on gun ownership and use is a major factor in the difference.

In recent years, proponents of strong controls have usually held that in the United States only a Federal law will be effective. Otherwise, they say, the States with moderate controls will continue to feed black markets in restrictive States. They believe the Second Amendment to the Constitution, which states that "A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed," is: (1) obsolescent, (2) intended solely to guard against suppression of State militias by the central Government and therefore restricted in scope by that intent, or (3) does not in any case guarantee a right that is absolute, but one that can be limited by reasonable requirements. They ask why a private citizen needs a handgun, a firearm they claim has no significant hunting or other sporting use.

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*Harry L. Hogan, Specialist in American National Government, Congressional Research Service, Library of Congress.

Opponents of gun control vary in their position on specific forms of control but in general take the view that interdiction laws do not accomplish what is intended. It is just as difficult to keep weapons from being acquired by "high risk" individuals, they argue, as it was to stop the sale and use of alcohol during Prohibition. In their view, a regulatory system designed to do this only creates problems for law-abiding citizens and possibly threatens their civil rights. Moreover, they reject the contention that the low crime rates of such countries as England and Japan have anything to do with gun controls, maintaining that multiple cultural differences are responsible instead.

Gun control opponents also reject the assumption that the only legitimate purpose of ownership by a private citizen is recreational—i.e., for hunting and target-shooting. They insist on the continuing need of people for effective weapons to defend person and property. They observe that the law enforcement and criminal justice system in the United States has not demonstrated that it can furnish an adequate measure of public safety. They further uphold the right to keep arms as a defense against potential government tyranny.

To the supporter of restrictive controls, the opposition is out of touch with the times, dogmatic about the Second Amendment, or lacking in concern for the problems of crime and violence. To the opponents of such controls, these advocates are naive in their faith in the power of regulation to solve social problems, bent on disarming the American citizen, or moved by antipathy to firearms and gun enthusiasts instead of concern over crime.

B. SOME BASIC STATISTICS

In 1969, the National Commission on the Causes and Prevention of Violence (Eisenhower Commission) reported that Americans owned some 90 million firearms at that time. Of these, approximately 24 million were handguns, 35 million were rifles, and 31 million were shotguns. The Bureau of Alcohol, Tobacco, and Firearms estimates that as of 1980 these numbers had increased to roughly 52 million handguns, 59 million rifles, and 54 million shotguns. As a rule, about 2 million new handguns enter the domestic market each year, along with 1.8 million rifles and 1.3 million shotguns.

If Federal Bureau of Investigation statistics are to be accepted, the number of violent crimes committed by or with the aid of a firearm has, on the whole, increased through the past several decades. In the case of homicides, for example, 14,287 involved the use of a gun in 1980, compared to 4,762 in 1963. Relative to population, both total homicides and total firearm homicides have increased steadily over the past 20 years, although the 6.3 (per 100,000) rate in 1980 for the latter was below the high of 6.6, recorded in 1974. In relation to total homicides, those involving a firearm have consistently accounted for from 62 percent to 68 percent since 1967. In 1980, 62 percent of all murders were committed by gun—50 percent by handgun, 5 percent by rifle, and 7 percent by shotgun. The following table provides details of the trend since 1963:

FIREARM MURDER IN THE UNITED STATES, 1963-80

Year	Total murder		Murder by firearm			Murder by handgun			
	Number	Rate per 100,000	Number	Percent of total murders	Rate per 100,000	Number	Percent of total murders	Percent of all firearm murders[1]	Rate per 100,000
1963	8,504	4.5	4,762	56.0	2.5	(2)	(2)	(2)	(2)
1964	9,249	4.8	5,087	55.0	2.7	(2)	(2)	(2)	(2)
1965	9,900	5.1	5,742	58.0	3.0	(2)	(2)	(2)	(2)
1966	10,970	5.6	6,582	60.0	3.4	4,827	44	73.3	2.5
1967	12,160	6.1	7,734	63.6	3.9	5,837	48	75.5	3.0
1968	13,720	6.9	8,973	65.4	4.5	6,860	50	76.5	3.4
1969	14,670	7.3	9,462	64.5	4.7	7,482	51	79.0	3.7
1970	15,890	7.8	10,392	65.4	5.1	8,263	52	79.5	4.1
1971	17,670	8.6	11,503	65.1	5.6	9,012	51	78.3	4.4
1972	18,550	8.9	12,280	66.2	5.9	10,017	54	81.6	4.8
1973	19,510	9.3	13,072	67.0	6.2	10,340	53	79.1	4.9
1974	20,600	9.7	13,990	68.0	6.6	11,124	54	79.5	5.3
1975	20,510	9.6	13,947	68.0	6.5	10,460	51	75.0	4.9
1976	18,780	8.8	12,019	64.0	5.6	9,202	49	76.5	4.3
1977	19,120	8.8	12,046	63.0	5.6	9,178	48	76.1	4.2
1978	19,560	9.0	12,323	63.0	5.7	9,584	49	77.0	4.4
1979	21,460	9.7	13,520	63.0	6.1	10,730	50	79.3	4.9
1980	23,040	10.2	14,287	62.0	6.3	11,520	50	80.6	5.1
Percent increase, 1963-80		+126.6		+10.7	+152		+13.6[3]	+10%[3]	+104[3]

[1] Available beginning 1966.
[2] Not available.
[3] 1966-80.

Source of basic data: Federal Bureau of Investigation. Uniform Crime Reports.

Robberies and aggravated assaults have also increased substantially over the past 20 years. However, in the period since 1974—the first year for which specific robbery weapon data are available—the percentage of the total that involved use of a gun declined. From 45 percent in 1974, it fell to approximately 40 percent in both 1979 and 1980. Although rising during the period 1965 to 1973, the percentage of aggravated assaults involving use of a gun decreased from a high of 26 in the latter year to 23 in 1979; it rose again in 1980, to 24 percent.

C. FEDERAL LAW

The debate on the Federal role in gun regulation has now been in process for well over half a century. It was during the "Roaring Twenties," when the country was swept by an apparent upsurge in violent crime, that the calls for action on the national level were first sounded. As early as 1922 the American Bar Association recommended a ban on the manufacture and sale of pistols except for governmental and official use.[1]

Much of the response to the calls for gun regulation in the 1920s and 1930s took place on the State level. However, three Federal statutes were also enacted during this period: A 1927 law banning the transport of handguns through the mails,[2] the National Firearms Act of 1934,[3] and the Federal Firearms Act of 1938.[4] They remained essentially unchanged for over three decades.

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[1] [ABA] Committee on Law Enforcement. For a Better Enforcement of the Law. [Report persented at annual meeting of American Bar Association at San Francisco, Aug. 10, 1922] American Bar Association Journal, Sept. 1922: 591.

[2] 18 U.S.C. 1715.

[3] 26 U.S.C. 5801-5872.

[4] 15 U.S.C. 901-910 (repealed in 1968).

The 1927 law prohibiting the mailing of handguns aimed to curb the mail-order commerce in those firearms. Advocates presented the measure as an aid to States in the enforcement of their own gun regulations. Efforts to extend the ban to cover interstate shipment by common carrier were not successful.

The National Firearms Act was designed to make it difficult to obtain certain types of especially lethal firearms, in particular machine guns and sawed-off long guns. It places heavy taxes on all aspects of the manufacture and distribution of such weapons. Also, the act compels the disclosure (through registration) of the production and distribution system from manufacturer to eventual buyer.

The Federal Firearms Act prohibited the shipment or receipt of firearms in interstate commerce by any manufacturer or dealer who was not federally licensed. Firearms could not be sent to persons who had been convicted of a felony or to fugitives from justice; and the transport of stolen firearms, or firearms from which the manufacturer's mark had been removed, obliterated or altered, was prohibited.

In 1968, the Federal Firearms Act was repealed and the National Firearms Act substantially amended. The former was replaced by a statute containing stricter and more detailed controls. The new legislation, popularly known as the Gun Control Act, was the culmination of congressional activity beginning in 1963. The assassinations of Senator Robert Kennedy and Dr. Martin Luther King were considered influential in securing the bill's passage.

The Gun Control Act of 1968 has two major titles. Title II amended the National Firearms Act to remove certain constitutional difficulties and to extend the Act's provisions to so-called "destructive devices" (bombs, grenades, etc.). Title I was a replacement for the major part of Title IV of the Omnibus Crime Control and Safe Streets Act (Public Law 90–351), enacted several months before. Essentially, it extended to long guns the earlier law's restrictions on commerce in handguns.

More specifically, title I of the Gun Control Act (18 U.S.C. 921 et seq.) requires all persons dealing in firearms or ammunition to be federally licensed, establishes more restrictive standards for licensing than those prescribed by the old Federal Firearms Act, prohibits the interstate mail-order sale of all firearms and ammunition, prohibits the interstate sale of handguns, prohibits the interstate sale of long guns except under certain specified conditions, sets forth categories of persons to whom firearms or ammunition may not be sold (such as persons under a specified age or persons with criminal records), generally prohibits the importation of non-sporting firearms, and establishes special penalties for the use of a firearm in perpetration of a Federal felony.

D. CURRENT STATUS

Since passage of the Gun Control Act, hundreds of bills to amend it have been introduced in each Congress. They have ranged from measures for the outright prohibition of the private ownership of handguns to those for repeal of the 1968 legislation. In most cases, however, the proposals have been less sweeping in design, calling for more limited increases in regulation or for the deletion of specific provisions of existing law that are especially unpopular with gun owners or the gun industry. Only minor changes have been accepted.

It is the proposals for additional handgun controls that have received the greatest attention in recent years. In 1972 a bill passed the Senate that would have extended the ban on importation of "nonsporting" handguns to the domestic manufacture and sale of such weapons (S. 2507, 92nd Congress). In 1976 a bill reported by the House Judiciary Committee contained the following major elements:

Application of existing handgun importation criteria (designed to implement the "sporting purposes" test under GCA) to domestic industry, thus banning further production and sale of an estimated 54 percent of handguns being manufactured at the time;

Requirement of prior police clearance of all handgun purchases, to be accomplished during a 14-day minimum, 28-day maximum, waiting period;

Ban on importation of any handgun part intended for use in manufacture of a "concealable" handgun;

Increase in annual fees for Federal firearms licensees;

Elimination of the possibility of probation or suspended sentence in the case of the added sentence mandated under existing law for a first-time offender convicted of using or carrying a gun in committing a Federal felony.

The 97th Congress has produced a large number of bills requiring mandatory penalties for persons convicted of gun crimes. For the most part these proposals relate to Federal crimes and thus would be of principally symbolic value. Other proposals expected to be rallying points are the Kennedy-Rodino bill (S. 974/H.R. 3200) and the McClure-Volkmer bill (S. 1030/H.R. 3300).

In its major provisions, the Kennedy-Rodino bill proposes:

A ban on the domestic manufacture and sale of handguns except for those determined to be "generally recognized as particularly suitable for or readily adaptable to sporting purposes";

Pre-purchase clearance, with waiting period, for handgun sale (or other transfer)—both commercial and private;

Encouragement of requirement by the States of permits to purchase handguns (and separate permits to carry);

Ban on intrastate mail-order commerce in handguns;

Tighter regulation of the firearms industry, with substantial fee increases;

Additional recordkeeping and reporting requirements for the firearms industry;

Civil liability of a gun transferor for death or personal injury inflicted by the transferee; and

Transfer of some functions of the Bureau of Alcohol, Tobacco, and Firearms to the Justice Department, specifically to a proposed new agency to be known as the Firearms Safety and Abuse Control Administration.

In contrast to the Kennedy-Rodino bill, the McClure-Volkmer bill would remove a number of existing Federal restrictions, and would clarify others to limit Executive Branch authority. Major provisions would:

Eliminate restrictions on the sale of firearms to out-of-State residents, providing that such sales must nevertheless conform to the laws of the States of both the buyer and the seller.

Extend prohibitions on sale or transfer of firearms to "high risk" individuals such as convicted felons and drug users, so as to include private as well as commercial transfers.

Require proof of "willingness" to convict for violation of the Act.

Clarify requirements for obtaining manufacturer, importer, and dealer licenses.

Exempt ammunition dealers from the Act's requirements.

Eliminate the requirement that ammunition sales be recorded.

Restrict the right of inspection of licensees by Federal agents and the use of license revocation authority.

Eliminate Treasury Department authority to require licensees to submit reports based on records kept pursuant to the Act.

Restrict the grounds for seizure of firearms involved in violations of the Act.

Prohibit the issuance of any regulations designed to create a central registry of firearms transactions.

Require a 90-day comment period with respect to any proposed regulation under the Act.

Make any regulation subject to congressional veto.

Provide that the States may not interfere with the otherwise lawful interstate transport of unloaded firearms.

Nullify any regulations that might be issued with respect to the completion of forms or affidavits in connection with the retail sale of black powder in quantities of up to 50 pounds.

The recently issued report of the Attorney General's Task Force on Violent Crime, charged with recommending solutions for the Nation's serious crime problem, endorsed several measures favored by pro-regulation forces, as reflected both in the bill reported in the House in 1976 and in the Kennedy-Rodino bill of the current Congress:

Requirement of a police check of individuals seeking to buy a handgun from a licensed dealer, during a specified waiting period.

Ban on the importation of parts to be used in the manufacture of handguns that may not be legally imported under existing law.

The Task Force also recommended:

That handgun owners be required to report the theft or loss of a handgun to their local law enforcement agency;

That the Bureau of Alcohol, Tobacco, and Firearms be authorized to classify semi-automatic weapons as National Firearm Act weapons;

That the U.S. Attorneys be directed to develop agreements with State and local prosecutors for increased Federal prosecutions of convicted felons apprehended in the possession of a firearm; and

That the Attorney General direct the National Institute of Justice to establish, as a high priority, research and development of methods of detecting and apprehending persons unlawfully carrying guns.

The Reagan assassination attempt appears to have changed few basic positions in Congress. Members who take a "conservative" view on criminal justice issues continue to counter gun control proposals with various other anti-crime measures such as mandatory penalties for more serious offenses, limitations on the granting of bail, modification of the exclusionary rule, and reinstitution of the Federal death penalty. They stress the need for bringing repeat offenders under control.

Thus, on the subject of violent crime, there remains a clear division in Congress between advocates of an interdiction solution—a policy that seeks to lessen the likelihood and danger of crime by curbing access to the more lethal weapons—and those who believe the problem is one of establishing a more effective system of criminal justice. The former see the easy availability of firearms as a principal generator of crime. The latter insist that the proper focal point is the offender and that any workable solution lies in the principles of deterrence and appropriate sentencing.

II. Gun Control Act of 1968: Digest of Major Provisions* (Public Law 90-618, 90th Congress, H.R. 17735, Oct. 22, 1968)

[Note: The term "licensee" as used herein refers to a firearms manufacturer, importer, or dealer licensed under the provisions of the Act.]

Title 1—State firearms control assistance

Item	Conditions
A. Effect on existing law	Amends chapter 44 of title 18, U.S. Code (a provision of title IV of Public Law 90-351, "Omnibus Crime Control and Safe Streets Act of 1968," enacted June 19, 1968), by substituting the contents of title I of the new Act. [Public Law 90-351 repealed the Federal Firearms Act of 1938, 15 U.S. Code secs. 901-910.]
B. Licensing of persons and firms engaged in firearms commerce:	
Who must be licensed?	All persons and firms in the United States engaged in the business of manufacturing, importing, or dealing in firearms or ammunition must be licensed by the U.S. Treasury Department (application should be made to the appropriate district director, Internal Revenue Service). This includes persons or firms engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms. Also included are pawnbrokers whose business includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money. Persons who acquire, hold, or dispose of firearms or ammunition as curios or relics may be licensed as collectors, if they wish to be able to make interstate transactions.
Fees	License fees are: (1) For manufacturers— (a) of destructive devices and/or destructive device ammunition: $1,000 per year; (b) of other firearms: $50 per year; (c) of ammunition for firearms other than destructive devices: $10 per year. (2) For importers— (a) of destructive devices or destructive device ammunition: $1,000 per year; (b) of other firearms or ammunition for other firearms: $50 per year. (3) For dealers— (a) in destructive devices and/or destructive ammunition: $1,000 per year; (b) who are pawnbrokers dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices: $25 per year; (c) not dealing in destructive devices or ammunition for such devices, and not pawnbrokers: $10 per year. (4) For collectors who desire to be licensed to make interstate transactions involving firearms or ammunition which are curios or relics: $10 per year.
Other requirements	Applicant for license must be at least 21 years old and have a place of business from which he intends to conduct such business (or collecting) within a reasonable period of time.
Redress	In the event the Secretary of the Treasury denies or revokes a license, specfic procedures for review are provided.
C. Restrictions on Interstate and Foreign Commerce:	
Mail order	All mail-order sales of firearms and ammunition are prohibited. Interstate shipments are generally (with exceptions as indicated) limited to those made by licensees to other licensees.
Importation	All importation of firearms or ammunition is prohibited unless authorized by the Secretary of the Treasury (see "J. Exceptions").

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*Harry L. Hogan, Specialist in American National Government, Congressional Research Service, Library of Congress.

See footnotes at end of table.

Item	Conditions
Over-the-counter sales	No licensee may sell or deliver a firearm to a person not resident in the State where the licensee's place of business is located except for: (1) a rifle or a shotgun sold by a licensee under the Act to a resident of a State contiguous to the State in which the licensee's place of business is located, if the purchaser's State of residence permits such sale or delivery by law (the Senate report on the bill states, "The State of the purchaser's residence must enact enabling legislation permitting such sales") and if the transaction fully complies with the legal conditions of such a sale in both States. In addition, such a sale would have to be accompanied by specified procedures involving a sworn statement by the purchaser, notification by licensee to purchaser's local law enforcement officer, and a waiting period before delivery (same procedures as required for all intrastate mail-order sales; see below); (2) a rifle or shotgun rented or loaned to a person for temporary use for lawful sporting purposes, (3) any firearm returned to a person from whom it was received after repairing it or replacing any parts other than the frame or receiver; (4) a rifle or shotgun replacing the purchaser's own rifle or shotgun if he has lost it, or if it has been stolen or has become inoperative while hunting or participating in a shooting match or contest in the State of purchase (requires certain specified procedures in the case of such a purchase). [There is no prohibition against over-the-counter sale of ammunition to a nonresident.]
Common or contract carriers	No carrier may transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge (or reasonable cause to believe) that the Act would thereby be violated. No person may deliver to any carrier for transportation in commerce to a nonlicensee any firearm or ammunition without written notice thereof to the carrier. Exception: Any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver it into the custody of the pilot, captain, conductor, or operator for the duration of the trip.
D. Restrictions on intrastate commerce	The intrastate mail-order sale of any firearm must be accompanied by certain specified procedures (sworn statement by purchaser, notification by licensee to local law enforcement officer of purchaser's place of residence, and waiting period before delivery).
E. General restrictions on all commerce:	
Age of purchaser	No firearm or ammunition of any kind may be sold to any person under 18 years of age. No handgun or handgun ammunition may be sold to any person under 21 years of age.
Persons to whom sale is prohibited (and for whom shipping, transporting, or receiving in interstate commerce is prohibited).	No licensee may sell or otherwise dispose of a firearm or ammunition to a person who— (1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year; (2) is a fugitive from justice; (3) is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug; (4) has been adjudicated as a mental defective or has been committed to any mental institution; or (5) by purchasing or possessing the firearm or ammunition would be in violation of any State law or any published ordinance applicable at the place of sale, delivery, or other disposition.
Weapons of which sale is prohibited.	No licensee may sell or deliver to a non-licensee any destructive device, machinegun, short-barreled rifle, or short-barreled shotgun without obtaining a specific authorization from the Secretary of the Treasury.
Recordkeeping by licensee [1]	All sales and deliveries must be noted in the licensee's records—with the name, age, and place of residence of the purchaser (in the case of corporation or other business entity, the identity and principal and local places of business).
F. Restrictions on transport and receipt by unlicensed persons:	
Firearm obtained out-of-State	No unlicensed person may transport into or receive in his home State a firearm obtained out-of-State except— (1) a firearm acquired by bequest or interstate succession in a State other than the inheritor's State of residence, if it would not be unlawful for him to purchase or possess such a firearm in his home State; (2) a rifle or shotgun purchased in a State contiguous to his home State, in conformity with the requirement stated above (C. Restrictions on Interstate Commerce: Over-the-counter sales); (3) a rifle or shotgun purchased as a replacement of the purchaser's own rifle or shotgun if it had been lost or stolen or had become inoperative while he was hunting or participating in a shooting match or contest in the State of purchase (in making such a sale, the licensee must require from the purchaser a sworn statement verifying the loss, theft, or inoperability of the firearm to be replaced, and identifying the chief law enforcement officer of the home locality of the purchaser; the licensee must forward the sworn statement by registered mail to the law enforcement officer named).

See footnotes at end of table.

Item	Conditions
Weapons forbidden to be transported without authorization.	No unlicensed person may transport in interstate or foreign commerce any destructive device, machinegun, short-barreled rifle, or short-barreled shotgun without specific authorization from the Secretary of the Treasury.
Persons forbidden to transport or receive.	The following persons may not, under any circumstances, ship or transport firearms or ammunition in interstate or foreign commerce, or receive a firearm or ammunition that has been shipped or transported in interstate or foreign commerce: fugitives from justice; unlawful users of (or persons addicted to) narcotics, marihuana, or any depressant or stimulant drug as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act; persons adjudicated as mental defectives or committed to a mental institution; and persons under indictment for or convicted of a crime punishable by imprisonment for over a year.
G. Restrictions on transfer by unlicensed persons.	No licensed person may transfer (sell, trade, give, transport, or deliver) any firearm to any other person (excepting a licensee) who is not resident in his (the transferor's) home State except (1) a firearm delivered to a person inheriting it by bequest or interstate succession, and (2) a firearm lent or rented for temporary use for lawful sporting purposes.
H. Penalties (general)	Up to \$5,000 and/or imprisonment of up to 5 years. Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of the Act or any other Federal criminal law is subject to seizure and forfeiture.
I. Special penalties [2]	Anyone who— (1) uses a firearm to commit any Federal felony (2) carries a firearm unlawfully during the commission of any Federal felony, shall be sentenced to a term of imprisonment of not less than 1 year and not more than 10 years. For a second such offense the penalty is 5 to 25 years' imprisonment, with no suspension of sentence or probation. Anyone who, with intent to commit there withan offense punishable by imprisonment for a term exceeding 1 year, or with knowledge or reasonable cause to believe that such an offense is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce is subject to fine of up to \$10,000 and/or 10 years' imprisonment.
J. Exceptions:	
Government agenices	The provisions of the Act do not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition intended for the use of any Federal, State, or local government agency.
Civilian Marksmanship Program	The provisions of the Act do not apply with respect to (1) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, U.S. Code, and (2) the transportation of any such firearm or ammunition carried out to enable a person who lawfully received the firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.
Members of the Armed Forces stationed abroad	A licensee may ship firearms or ammunition to any member of the U.S. Armed Forces on active duty outside the United States or to clubs, recognized by the Defense Department, whose entire membership is composed of such members, if the Secretary of the Treasury determines that the firearms or the Treasury determines that the firearms or ammunition are generally recognized as particularly suitable for sporting purposes and are intended for the personal use of such members or club.
Importation	The Secretary of the Treasury may authorize a firearm or ammunition to be imported or brought into the United States if the person importing same establishes to the Secretary's satisfaction that the firearm or ammunition— (1) is an unserviceable firearm (other than a machinegun), not readily restorable to firing condition, imported or brought in as a curio or museum piece; (2) is of a type generally recognized as particularly suitable for or readily adaptable to sporting purposes (excluding military surplus firearms); [3] (3) was previously taken out of the United States by the person who is bringing it in; or (4) is being imported for certain other specified purposes.
K. Definitions:	
"Firearm"	Means (A) any weapon (including a starter gun) which will (or is designed to or may readily be converted to) expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or silencer; (D) any destructive device. [Does NOT include an antique firearm.]
"Antique firearm"	Means— (A) any firearm (including one with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (B) any replica of any of the above if it: (i) is not designed or redisigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is not manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

See footnotes at end of table.

Item	Conditions
"Destructive device"	Means— (A) any explosive, incendiary, or posion gas: (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than 4 ounces, (iv) missile having an explosive or incendiary charge of more than ¼ ounce, (v) mine, or (vi) device similar to any of these; (B) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an expolosive or other propellant, and which has any barrel with a bore of more than ½-inch in diameter; and (C) any combination of parts either designed or intended for use in converting any device into any destructive device described above and from which a destrictive device may be readily assembled. The term "destructive device" does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes.
"Ammunition"	Means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.
"Published ordinance"	Means a published law of any political subdivision of a State which the Secretary determines to be relevant to the enforcement of the Act and which is contained on a list compiled by the Secretary, to be published in the Federal Register, revised annually and furnished to each licensee.

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[1] These requirements were nullified with regard to shotgun and rifle ammunition by a provision of Public Law 91–128 (Nov. 26, 1969), amending 26 U.S.C. 4182.

[2] Amended by a provision of Public Law 91–644 to eliminate the possibility of concurrent service of sentences and to reduce the minimum sentence for a second conviction from 5 to 2 years.

[3] To make the determination with respect to handguns, the Secretary relies on "factoring criteria" developed by a panel of experts. In addition to satisfying certain prerequisites, a handgun must be awarded a specified number of points for such features as weight, size, construction, and safety features.

Title II—Machine guns, destructive devices, and certain other firearms

Title II amends Chapter 53 of the Internal Revenue Code of 1954 (National Firearms Act of 1934) to remove objections of the Supreme Court as laid down in *Haynes* v. *United States*, No. 236, October term, 1967. It also amends the chapter so as to bring so-called 'destructive devices" under the chapter's provisions.

Title III—Unlawful possession statute amendment

Title III amends title VII of the Omnibus Crime Control and Safe Streets Act of 1968, which prohibited the receipt, possession, or transportation of a firearm in interstate commerce by convicted felons, veterans other than those honorably discharged, adjudicated incompetents, aliens illegally in the United States and persons having renounced U.S. citizenship.

The amendment substitutes "dishonorably discharged" for "other than honorably discharged" and changes the definition of "felony" to exclude any offense (not involving a firearm or explosive) classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of 2 years or less.

LEGISLATIVE HISTORY

Gun Control Act

House Reports: No. 1577 (Comm. on the Judiciary) and No. 1956 (Comm. of Conference).

Senate Report: No. 1501 accompanying S. 3633 (Committee on the Judiciary).

Congressional Record, Vol. 114 (1968):

July 17, 19, 23–25: Considered and passed House.

Sept. 11–13, 16–18: Considered and passed Senate, amended, in lieu of S. 3633.

Sept. 25: Considered in House.

Oct. 9: Senate agreed to conference report.

Oct. 10: House agreed to conference report.

Omnibus Crime Control and Safe Streets Act (Public Law 90–351, H.R. 5039)

House Report: No. 488 (Comm. on the Judiciary).

Senate Report: No. 1097 accompanying S. 917 (Committee on the Judiciary).

Congressional Record, Vol. 113 (1967):

Aug. 2, 3, 8, considered and passed House.

Congressional Record, Vol. 114 (1968):

May 1–3, 6–10, 13–17, 20–23, S. 917 considered in Senate.

May 23, 24, considered and passed Senate, amended, in lieu of S. 917.

June 6, House agreed to Senate amendment.

III. MAJOR CONGRESSIONAL ACTION SINCE 1968*

Federal gun control statutes were substantially altered in 1968 through provisions of the Omnibus Crime Control and Safe Streets Act and the Gun Control Act (GCA). Since that time efforts to add further restrictions have been unsuccessful, excepting the enactment of provisions for the increased regulation of explosives in the Organized Crime Control Act of 1970. Two other laws have also been enacted—one to exempt gun dealers from the Gun Control Act requirement that sales of long gun ammunition be recorded, and one to make certain changes in the GCA provision that specifies a mandatory penalty for use of a gun in committing a Federal felony. The following chronology lists these enactments and other major action on gun control measures since 1968:

1969.—Public Law 91-128 was signed into law November 26. The law contained a provision (amending Title 26 of the U.S. Code) that had the effect of eliminating the Gun Control Act's gun dealer recordkeeping requirements with respect to the sale of rifle and shotgun ammunition. A floor amendment to the bill (S. 2718, 91st Congress) deleted .22 rimfire ammunition from the types of ammunition exempted by the amendment.

1970.—The House passed H.R. 14233 (91st Congress), to include .22 rimfire ammunition in the category of ammunition exempted from the gun dealer recordkeeping requirements of the Gun Control Act. The bill was favorably reported by the Senate Finance Committee but was not taken up by the Senate.

S. 849 (91st Congress) passed the Senate, amended, November 19, 1969. It would have amended the penalty provisions of the Gun Control Act concerning the use or possession of a firearm while committing a Federal felony, by:

(1) raising the mandatory minimum sentence for a second or subsequent offense, from 5 years to 25 years imprisonment, and eliminating the existing maximum of 25 years, and

(2) elimintaing the possibility that the special sentence imposed might be served concurrently with the sentence imposed for the felony committed.

It received no action in the House, but its provisions were subsequently incorporated, in amended form, into the Omnibus Crime Control Act of 1970 as passed by the Senate (H.R. 17825, 91st Congress) and as eventually enacted (Public Law 91-644). As enacted, the gun control title (Title II) did away with the possibility of concurrent sentences, as did the original bill, but reduced rather than raised the minimum sentence for a second offense, from 5 to 2 years. Additionally, the 25-year maximum for a second offense was retained.

The Organized Crime Control Act of 1970 (Public Law 91-452) contained a title (Title XI) providing for the stricter regulation of explosives, with a system for licensing manufacturers and dealers modeled on the one established by the Gun Control Act.

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*Harry L. Hogan, Specialist in American National Government, Congressional Research Service, Library of Congress.

1972.—The Bayh bill (S. 2507, 92d Congress), to eliminate the domestic production and sale of nonsporting handguns (or "Saturday Night Specials"), was passed by the Senate August 9, with amendments. Specifically, the bill applied the existing criteria for importation of handguns to the domestic industry. Major floor amendments accepted would have:

(1) eliminated dealer recordkeeping in connection with the sale of .22 rimfire ammunition; and

(2) made it a Federal crime to murder or attempt to murder any State or local policeman, firearm, or prison guard while he is performing his official duties or because of his official position.

1973.—The Senate passed an omnibus bill entitled the "Victims of Crime Act of 1973" (S. 800, 93d Congress; passed Senate April 3). Included was a floor amendment sponsored by Senators Herman Talmadge and Birch Bayh to provide for stricter penalties for use of a gun in committing a Federal felony.

1974.—On March 13, the Senate rejected two floor amendments (to S. 1401, 93d Congress) proposing further handgun controls: (1) an amendment containing provisions similar to those in the Bayh bill that passed the Senate in 1972, by a vote of 58 to 31; and (2) an amendment requiring the registration of all handguns, licensing of all handgun owners, and prohibition of production of all handguns unsuitable for sporting purposes, by a vote of 68 to 21.

Also in 1974, Congress passed amendments to the explosive control title of the Organized Crime Control Act of 1970, to exempt from its provisions commercially manufactured black powder in quantities of 50 pounds or less (Public Law 93–639; approved January 4, 1975).

1976.—The House Judiciary Committee reported a bill for added handgun controls under the Gun Control Act (H.R. 11193, 94th Congress; H. Rep. 94–1103). Similar to a Ford Administration bill and to a bill previously approved by a Senate subcommittee during the same Congress, the measure provided for a ban on the manufacture and sale of non-sporting handguns, prior police clearance of handgun purchases, and increases in the annual fees of gun industry licensees. The bill failed to get a rule.

The President approved a bill containing a provision to exclude firearm ammunition from the items over which the Consumer Product Safety Commission has jurisdiction (Public Law 94–284; May 11).

1978.—The Senate passed an amended version of S. 1437 (95th Congress), for reform of the Federal Criminal Code. The reported bill would have amended existing law's provision for added penalties for use or possession of a gun while committing a Federal felony by:

(1) raising the minimum for a first-time offender from 1 to 2 years, if the gun (or destructive device) were used or displayed (rather than merely possessed):

(2) eliminating the possibility of probation or suspended sentence for a first-time offense; and

(3) applying these penalties to any offense occurring during the commission of any other offense described in the new criminal code over which Federal jurisdiction exists (that is, covering misdemeanors as well as felonies). Also, it would have amended the

existing law that prohibits possession of a gun by convicted felons and other specified high-risk individuals, to eliminate any implication that the offense must be connected with interstate commerce.

Floor amendments accepted would have:

(1) eliminated the possibility of imposing the added penalty for possession of a gun while committing a Federal crime if the offense were not a crime of violence or were a misdemeanor consisting solely of damage to property (not placing a person in danger of death or serious injury), or if the gun were not possessed in relation to the offense; and

(2) provided that the application of the mandatory sentence for the above offense would not apply in cases where a person uses force in defense of himself or others against conduct constituting a felony.

The House passed a Treasury Department (Bureau of Alcohol, Tobacco, and Firearms [BATF]) appropriations bill with committee-recommended provisions to:

(1) ban the use of funds to implement certain regulations proposed by the Treasury Department on March 21, 1978, relating to the submission of reports to BATF on gun transactions by licensees; and

(2) delete $4.2 million from the BATF request, the estimated amount required for implementation of the proposed regulations.

In the Senate, floor amendments hostile to these provisions were voted down.

1980.—The Senate Judiciary Committee reported S. 1722 (96th Congress) a bill for reform of the Federal Criminal Code. Under the bill, all penalty provisions of the Gun Control Act, the National Firearms Act, and the explosives control title of the Organized Crime Control Act would have been transferred to title 18 of the U.S. Code. Certain substantive changes were also included.

H.R. 6915, to revise the Federal Criminal Code, was reported by the House Judiciary Committee; the bill's effect on existing control statutes would have been substantially the same as that of S. 1722 (see above). Attempts in mark-up to attach anti-gun control amendments were unsuccessful.

IV. NATIONAL COMMISSION AND COMMITTEE RECOMMENDATIONS RELATING TO FIREARM REGULATION, 1967–81

1967.—The President's Commission on Law Enforcement and Administration of Justice issued a comprehensive report on the Nation's crime problem after a 2-year study. Among the recommendations was one for eventual national handgun registration and Federal prohibition of interstate handgun commerce.

1969.—The National Commission on the Causes and Prevention of Violence issued a statement on firearms and violence, calling for national handgun registration and Federal legislation providing for eventual universal licensing for handgun ownership.

1973.—The National Advisory Commission on Criminal Justice Standards and Goals made recommendations for State and local action to reduce crime, and proposed a ban on the private ownership of handguns by 1983.

1981.—The National Advisory Committee for Juvenile Justice and Delinquency Prevention recommended enactment of Federal and State legislation to prohibit the manufacture and sale of handguns for other than official purposes.

V. ATTORNEY GENERAL'S TASK FORCE ON VIOLENT CRIME: RECOMMENDATIONS RELATED TO FIREARMS

Shortly after taking office, U.S. Attorney General William French Smith established a special task force to study the problem of violent crime and to recommend specific policies the Justice Department might adopt to assist in its more effective control. A final report was submitted by the group in August 1981. It contained recommendations pertaining to many phases of criminal law and procedure. Reproduced below is the section entitled "Guns" and one pertaining to the criminal information systems of the Federal Bureau of Investigation.

A. *Guns*

Recommendation 17.—The Attorney General should support or propose legislation to require a mandatory sentence for the use of a firearm in the commission of a federal felony.[1]

Recommendation 18.—The Attorney General should support or propose legislation to amend the Gun Control Act of 1968 to strengthen its ability to meet two of its major purposes: allowing the trace of firearms used during the commission of an offense and prohibiting dangerous individuals from acquiring firearms. Specifically, the Act should be amended to provide the following:

a. That, on a prospective basis, individuals be required to report the theft or loss of a handgun to their local law enforcement agency.

b. That a waiting period be required for the purchase of a handgun to allow for a mandatory records check to ensure that the purchaser is not in one of the categories of persons who are proscribed by existing federal law from possessing a handgun.[1]

Recommendation 19.—Title I of the Gun Control Act of 1968 prohibits the importation of certain categories of handguns. However, the Act does not prohibit the importation of unassembled parts of these guns, thereby permitting the circumvention of the intended purpose of this title of the Act. It is therefore recommended that the Act be amended to prohibit the importation of unassembled parts of handguns which would be prohibited if assembled.[1]

Recommendation 20.—The Attorney General should support or propose legislation to authorize the Bureau of Alcohol, Tobacco and Firearms to classify semi-automatic weapons that are easily converted into fully automatic weapons as Title II weapons under the Gun Control Act of 1968.[1]

Recommendation 21.—The Attorney General should direct the United States Attorneys to develop agreements with state and local prosecutors for increased federal prosecutions of convicted felons apprehended in the possession of a firearm. This proposal would enable federal prosecutions to be brought against felons apprehended in the possession of a firearm under the 1968 Gun Control Act and the Dangerous Special Offender provisions of the Organized Crime Control Act of 1970. Federal penalties under these statutes often are greater than state penalties applicable to firearms possession. Because these cases are matters over which state and local law enforcement have primary jurisdiction, they should be brought in close coordination with state and local prosecutors. The appropriate federal role is to initiate prosecutions in order to bring federal prosecutorial resources and more severe penalties to bear on the most serious offenders in a locality who are apprehended with firearms in their possession.[1]

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[1] We also address guns in Phase I Recommendation 5.

Recommendation 22.—The Attorney General should direct the National Institute of Justice to establish, as a high priority, research and development of methods of detecting and apprehending persons unlawfully carrying guns.[1]

Commentary.—In the United States in 1978, firearms were used in 307,000 offenses of murder, robbery, and aggravated assault reported to the police;[2] they were present in about one-tenth of all violent victimizations occurring in 1980.[3] In 1978, 77.8 percent of firearm murders involved a handgun.[4] Every year approximately 10,000 Americans are murdered by criminals using handguns.[5] Crimes committed by individuals using handguns represent a serious problem of violence in our nation. Proffered solutions to this problem are myriad, ranging from the practical to the impossible. Positions taken are often highly emotionally charged. Additionally, there is no lack of social science data—of varying quality—to support diametrically opposed views.

However, the plethora of contradictory state gun laws has made their enforcement ineffective,[6] indicating the need for a federal strategy that would provide consistency and uniformity across state boundaries. In addition, federal gun laws have failed in several ways to achieve their intended purposes due to either a lack of adequate enforcement mechanisms or unintended loopholes in existing law.

Despite the problems inherent in examining the issue of guns, it is possible to set forth sensible criteria for the recommendations we are making in this area. First, they should be politically feasible. Second, they should balance the importance of preserving legitimate reasons for owning guns and the costs associated with that ownership. Finally, and most importantly, it should be possible to make at least a prima facie for the effectiveness of these recommendations in reducing violent crime.

We believe that that individuals must be deterred from using handguns in the commission of a crime. We believe that the cost to an individual of committing a crime with a handgun should be made greater than the benefit. This cost, in part, should be manifested in the sentence that is meted out to those convicted of such acts. Current federal law provides for an additional 1 to 10 year sentence for the use of a firearm in the commission of a federal felony. A 2 to 10 year term is provided for second and subsequent offenses (18 U.S.C. 924(c) (1970)). Because these sentences can be suspended or made probationary and, in addition, all offenders who are sentenced to prison are currently eligible for parole, the cost of violation is neither certain nor severe enough.

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[2] Data compiled from U.S. Department of Justice, Federal Bureau of Investigation, "Crime in the United States 1978" (Washington: U.S. Government Printing Office, 1979).

[3] Unpublished data supplied by the Bureau of Justice Statistics from the National Crime Survey.

[4] Data compiled from U.S. Department of Justice, Federal Bureau of Investigation, "Crime in the United States 1978."

[5] U.S. Department of Justice, Federal Bureau of Investigation, "Crime in the United States 1978," p. 12.

[6] J. Wright and P. H. Rossi, "Weapons and violent crime: Executive summary" (Washington: U.S. Department of Justice, 1981), p. 27.

We recommend legislation to require a mandatory sentence for those convicted of the use of a firearm in the commission of a federal felony. This proposal, supported as it is by the public and the police.[7] would provide an effective deterrent to crimes of this sort. To be effective, the mandatory sentence should be severe enough to have the necessary deterrent force. Further, the power to impose this sentence should not be vitiated by any opportunities on the part of prosecutors to circumvent it through the use of plea bargaining, charge reduction, or other methods.

Several purposes of the existing federal gun laws have not been fulfilled effectively. The 1968 Gun Control Act banned, with some exceptions, the importation of handguns (including so-called "Saturday Night Specials") into the United States (18 U.S.C. 925(d)). However, a loophole allowed the importation of handgun parts which could then be assembled into handguns and sold. We believe that the 1968 Gun Control Act is still worthy of support and that its intent should be carried out by closing this loophole. Therefore, we recommend that the Act be amended to prohibit the importation of unassembled parts of handguns which would be prohibited if assembled.

Another purpose of the Act and of the Omnibus Crime Control and Safe Streets Act, designed to reduce violent crime, is directed at preventing the possession of handguns by proscribed groups of people. However, it has not had its desired effect. Under those Acts certain categories of individuals are ineligible to receive firearms that have been shipped in interstate commerce. These include:

Fugitives from justice;
Persons under federal or state felony indictment;
Persons convicted of a federal or state felony;
Persons ineligible by state or local law to possess a firearm;
Minors, under 18 years of age for rifles and shotguns, and under 21 years of age for handguns;
Adjudicated mental defectives or persons committed to a mental institution;
Unlawful users of or addicts to any depressant, stimulant, or narcotic drug;
Felons;
Persons dishonorably discharged from the United States Armed Forces;
Mental incompetents;
Former United States citizens;
Illegal aliens.

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[7] Cambridge Reports, Inc., "An Analysis of Public Attitudes Toward Handgun Control, Appendix A—The Questionnaire" (Cambridge, Mass.: Cambridge Reports, Inc., 1978). D. Hardy, "Firearm Ownership and Regulation—Tackling an Old Problem With Renewed Vigor," William and Mary Law Review, 20, n. 2, 1978, pp. 235–290.

There is, at present, no effective method to verify a purchaser's eligibility. The dealer must know or have reason to believe that the purchaser is ineligible to receive a firearm in order to make a transaction unlawful. However, this is very difficult to prove. A person purchasing a firearm from a federally licensed dealer is required to sign a form on which he affirms by sworn statement that he is not proscribed from purchasing a firearm. This signature relieves the dealer from any liability for illegal transfer, as long as he requests and examines a form of purchaser identification, other than a social security card, that verifies the purchaser's name, age, and place of residence.

Since drug addicts, felons, mental defectives, and the like are not the best risk for "the honor system," a waiting period between the time of signing the presently required form and delivery of the handgun to the purchaser to verify the purchaser's eligibility is sensible and necessary to effectuate the purposes of the Acts. Dealers should be required to contact law enforcement authorities and verify a purchaser's eligibility, or prospective purchasers should be required to apply for a permit to purchase a handgun at their local police departments, where their eligibility is checked. Such a requirement may also provide a "cooling off" period for individuals who might otherwise purchase and use a handgun in the heat of passion.

As of 1979, 12 states required waiting periods. The usual procedure is for a customer to complete an application for purchase at the dealer's place of business; the dealer forwards the application to the police department, which investigates the information contained in the application during the waiting period (the longest such waiting period is 15 days, required by California and Tennessee); the police department either approves or disapproves the application and notifies the dealer; and if the application is approved, the dealer then contacts the purchaser, who may then come and pick up his firearm. Wisconsin has a waiting period between purchase and delivery of handguns but does not require an application to purchase. This waiting period is designed as a cooling off period.

Eleven states require some form of permit for retail purchase of handguns. Usually, the prospective purchaser applies for a permit at his local police department by filling out a form which requests pertinent information about the prospective purchaser. The police department then conducts an investigation to verify the information. There is an "effective waiting period" which is the time required to process and approve or deny an application. This varies with workload although some states set a statutory maximum (usually 30 days) after which the application is approved or denied. A minimum wating period between purchase and delivery may also be defined.[8]

We recommend that a waiting period be required for the purchase of a handgun to allow for a mandatory records check to ensure that the purchaser is not proscribed by the Gun Control Act of 1968 or Title VII of the 1968 Omnibus Crime Control and Safe Streets Act from owning a handgun. In order for this waiting period to be effective there should be adequate record check methods available.[9] By making this recommendation, we are endorsing the concept of a waiting period without specifying the actual mechanisms that should be employed. That task should be left to those who frame the legislation requiring such a waiting period. We do not believe that this proposal broadens the limitations on handgun ownership contained in existing law; it simply enables the intent of the law to be fulfilled—an intent that has wide public support.[10] Handguns should be kept out of the hands of the wrong people.

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[8] Edward D. Jones III and Marta Wilson Ray, "Handgun Control—Strategies, Enforcement, and Effectiveness" (Unpublished study, Washington: U.S. Department of Justice, 1980), pp. 18–21.

[9] See Philip J. Cook and James Blose, "State programs for screening handgun buyers," The Annals of the American Academy of Political and Social Science, May 1981, pp. 80–91, for a discussion of current screening problems encountered by the states.

Not all handguns that are used in crimes arrive in the hands of perpetrators directly from a fireams dealer. Many of these guns have been resold, given away, lost, or stolen. One study concluded that stolen guns constitute a significant proportion of guns used in the commission of criminal offenses in New York City.[11] It is estimated that between 65,000 and 225,000 handguns are stolen each year in the United States.[12] In investigating crimes committed using handguns, the ability to trace these firearms by law enforcement officials is extremely important. The Gun Control Act of 1968 was intended, in part, to establish this ability by requiring that manufacturers and dealers maintain records of firearms manufactured, transferred, and sold. While this provides a ready ability to trace handguns to the initial purchaser, it does nothing to alert law enforcement officials to the fact that the handguns have been lost or stolen and, thus, are prime candidates for instruments of criminal activity. A number of proposals have been made to ameliorate this situation and improve the national firearms trace capability.

We recommend that individuals be required to report to their local law enforcement officials the loss or theft of any handgun. The police would then enter this information into the National Crime Information Center (NCIC) (this information is routinely entered into the NCIC now by local police departments when it is reported to them).

We do not believe it is necessary for individuals to report the resale or gift of a handgun to another individual, since officials of the Bureau of Alcohol, Tobacco and Firearms (ATF) have testified that this type of transaction can be easily traced under existing law. Nor do we believe it necessary to have any kind of national registry of handguns to which dealers would report sales and resales of handguns. Such a registry would be too cumbersome, given the 2 million handguns sold by dealers each year and the many additional transactions between private citizens. In addition, expert testimony before us indicates that the records currently kept by manufacturers and dealers, if enhanced by reporting of thefts and losses to the NCIC, would provide an adequate trace capability.

Another problem that we wish to address is the ease of conversion of semi-automatic guns into more lethal and more strictly regulated fully automatic guns. Title II of the 1968 Gun Control Act (26 U.S.C., chapter 53) prohibits the manufacture, possession, and transfer of weapons that are contraband in nature. These include machine guns and other fully automatic weapons. The Act requires that all such weapons be registered and subsequent transfers be approved by the Secretary of the Treasury or his delegate with an accompanying federal transfer tax paid in connection with such sales. Some manufacturers are producing readily available semi-automatic weapons (these are not Title II weapons) which can easily be converted to fully automatic weapons by simple tool work or the addition of readily available parts. Over an 18-month period, 20 percent of machine guns seized or purchased (slightly less than 1,300) by the ATF had been converted in this way.[13] To deter these dangerous conversions, ATF should be authorized to declare such guns Title II weapons, thus making them subject to Title II regulation.

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[10] A 1978 survey reported that 88 percent of the respondents favored a waiting period "to allow for a criminal records check." (See Decision Making Information, Inc., Attitude of the American electorate toward gun control 1978" (Santa Ana, Calif., 1978).)

[11] Steven Brill. "Firearm Abuse: A Research and Policy Report" (Washington: Police Foundation, 1977), pp. 106–107.

[12] Mark H. Moore, "Keeping Handguns From Criminal Offenders," The Annals of the American Academy of Political and Social Science, May 1981, p. 100.

Federal laws prohibit convicted felons, among other types of individuals, from acquiring firearms. They also contain increased penalties for persons using a firearm in the course of a variety of federal crimes. In some states, these federal firearm laws are significantly more severe than comparable state statutes. In addition, in many federal districts the federal court dockets are not as crowded as county and city court calendars.

For the federal government to contribute more effectively to the reduction of violent crime, U.S. Attorneys should bring more prosecutions under these federal statutes. This will enable the more severe federal sanctions to be applied to the violent offenders who present a great threat to the community, but who face more limited state sanctions. To accomplish this goal, the U.S. Attorneys should develop a working agreement with state and local prosecutors to establish a mechanism for bringing to the attention of the U.S. Attorneys those persons apprehended by state and local authorities in possession of firearms in violation of federal laws. Where the firearm involved was used in the course of a serious felony, the state laws for the principal offense (e.g., homicide, robbery, rape, etc.) may be entirely adequate. However, where a previously convicted felon has committed a relatively minor offense, or has committed no provable offense other than acquisition of a firearm, the U.S. Attorney should review the case for possible federal prosecution. By working together with state and local prosecutors on these firearms violations, the U.S. Attorneys will be able to bring the federal firearms penalties to bear on those violent offenders who persist in violating the law, as evidenced by unlawful firearms possession.

In addition to these substantive proposals, we believe that the federal government should conduct research on methods to detect and apprehend persons unlawfully carrying guns. This could be accomplished by having the National Institute of Justice assign high priority to research into the development of such means of detection and apprehension. There is a need for effective methods of this sort. The ability of law enforcement officials to detect individuals who are carrying guns may provide an important disincentive for the unlawful carrying of such weapons. In addition, it could provide an important means of protection for police officers by enabling them to tell whether a suspect is armed.

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[13] Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, "Firearms Case Summary" (Washington: U.S. Government Printing Office, 1981).

B. F.B.I.

Recommendation 5.—The Federal Bureau of Investigation should examine the feasibility of a separate registry of firearms violators.[1]

Commentary.—An offender's firearm was present in one-tenth of the rape, robbery, and assault victimizations that occurred in 1979. In more than 350,000 of these victimizations the victim actually suffered a gunshot wound. Additionally, more than 13,000 murders (63 percent of the total in 1979) were committed with a firearm. How many of the offenders in these crimes had a history of firearms violations or violent offenses involving firearms is not known.

We believe that a separate registry of firearms violators, maintained as a part of the FBI's NCIC system, could serve a number of beneficial purposes. First, such records could be accessed by the Secret Service to determine which persons in an area the President (or other dignitaries) planned to visit had records of firearms violations. Law enforcement officers, in making a routine traffic stop or serving a warrant, could determine, in the same way they now check for outstanding warrants and for stolen property, whether the subject had a history of violent offenses with firearms and exercise due caution in dealing with the individual. Offenders with firearm violation records could be more rapidly identified for arrest, bail, charging arraignment, and judicial processing than would be possible under the Interstate Identification Index discussed in Recommendation 4.

Because of these potential benefits, we recommend that the FBI examine the feasibility of establishing a separate registry of firearms violators.

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[1] We also address firearms in Phase II Recommendations 17 through 22.

VI. PROPOSED CHANGES IN FEDERAL GUN REGULATION:
COMPARATIVE ANALYSIS OF MAJOR PROVISIONS OF THE KENNEDY-RODINO BILL AND THE McCLURE-VOLKMER BILL, 97th CONGRESS

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INTRODUCTION

The following tables compare the principal provisions of two pending bills that would amend existing Federal laws for the control of firearms: the Kennedy-Rodino bill (S. 974/H.R. 3200) and the McClure-Volkmer bill (S. 1030/H.R. 3300). Table I contains a detailed comparison of the bills and the major provisions of existing law in areas that would be affected. Table II compares only the highlight provisions of the bills, with no reference to existing law.

The major Federal controls are currently contained in Chapter 44 of title 18 of the U.S. Code (Sec. 921 *et seq.*), the National Firearms Act of 1934 as amended (26 U.S.C. 5841 *et seq.*), and sections 1201-1203 of the appendix to title 18, U.S. Code. Chapter 44 of title 18, commonly known as the Gun Control Act, was added by Title IV of the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351) and subsequently revised by Title I of the Gun Control Act of 1968 (P.L. 90-618). The National Firearms Act, regulating machine guns and other especially lethal firearms, was amended by Title II of the Gun Control Act to cover "destructive devices" such as bombs, grenades, and missiles. Sections 1201-1203 of the title 18 appendix were added by Title VII of the Safe Streets Act and were designed solely to restrict access to firearms by specified "high risk" individuals such as convicted felons and mental incompetents.

Although the Kennedy-Rodino and McClure-Volkmer bills are frequently compared, the overall objectives of the two proposals are very different, and the specific provisions of each bill in most cases have no counterparts in the other. McClure-Volkmer is based on the premise that current Federal regulation of gun and ammunition commerce is not only too extensive but that it has led to unwarranted abuse and harrassment of gun licensees and owners by the regulators. The Kennedy-Rodino bill, on the other hand, takes the position that current legislation is not restrictive enough, especially with regard to the commerce in handguns.

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TABLE I. Proposed Changes in Federal Gun Regulation:
Comparative Analysis of Major Provisions of the Kennedy-Rodino Bill and the McClure-Volkmer Bill, 97th Congress

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
I. FIREARMS GENERALLY			
Private possession, generally	No restriction except for especially lethal weapons (machine guns, missiles, bombs, etc.) controlled under the National Firearms Act. Illegal to possess such firearms or devices if they are unregistered.	No change.	No change.
Possession or receipt by high risk" persons	Bans possession or receipt of any type of firearm, "in commerce or affecting commerce," by convicted felons and individuals belonging to other specified "high risk" categories.	Clarifies existing ban on possession of any type of firearm by convicted felons and certain other types of individuals—to specify that it covers possession under any circumstances and to extend the ban to ammunition.	Similar to Kennedy-Rodino bill but specifically excludes from the category of convicted felons (persons convicted of a "crime punishable by imprisonment for a term exceeding one year") those convicted of misdemeanors under State law, or any Federal or State antitrust or similar violation relating to the regulation of business practices. Also, amends existing law to exclude from the prohibition persons under indictment for a felony.
Commercial sale of any firearm [See also "Any transfer of firearm or ammunition," below]	Requires a Federal license to engage in the business of manufacturing, importing or dealing in firearms or ammunition.	No change.	Exempts ammunition dealers from the licensing requirement. Defines "engage in the business" so as to narrow the concept. (See Part III, "Firearms Industry Licensees.")

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Commercial sale of any firearm [continued]	Prohibits interstate sale or transfer to a nonresident of the State in which the licensee's place of business is located.	Would allow holder of a federally approved permit-to-purchase a handgun (see below) to buy a handgun in any State.	Does away with ban on interstate sale, providing that such sale must nevertheless conform to the State and local laws of the buyer and the place of sale.
	Exception: sale or transfer of long guns to residents of contiguous States which have enacted specific legislation sanctioning such sale or transfer.		
	Prohibits all interstate shipment by licensees except to other licensees (i.e., bans mail-order sales).	No change.	No change.
	Requires special procedures for intrastate mail-order sales.	For change affecting handgun sales, see below, under "Part II. Handguns."	No change.
	Prohibits commercial sale to persons under specified ages.	No change.	No change.
	Prohibits commercial sale of any machine gun, destructive device, or other National Firearms Act weapon except as specifically authorized by the Secretary of the Treasury.	No change.	No change.
	Requires "dealer registration," i.e., that all licensees maintain records of sales, both of firearms and ammunition.	No change.	Dealer records on ammunition sales would no longer be required.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Commercial sale of any firearm [continued]	Prohibits commercial sale to any person who is:	Repeals Title VII of the Safe Streets Act and combines that statute's categories of prohibited persons with those to which licensees may not sell firearms under the Gun Control Act, thus adding these categories to the GCA:	Similar to Kennedy-Rodino bill.
	(1) a convicted felon (or under indictment for a felony),		
	(2) a fugitive from justice,		
	(3) an unlawful user of dangerous drugs, or		
	(4) a mental defective or one who has been committed to a mental institution.	(4) a person who has been adjudicated as mentally incompetent or has been committed to a mental institution,	
		(5) an illegal alien,	
		(6) a person discharged from the Armed Forces under dishonorable conditions,	
		(7) a person who has renounced his U.S. citizenship.	
	Prohibits commercial sale to any person in State where the purchase or possession of the firearm (or ammunition) would be in violation of any State law or published ordinance applicable at the place of sale, delivery or other disposition.	Adds to the prohibition any sale that would result in a violation of the laws of the buyer's place of residence.	Same as Kennedy-Rodino bill.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Any transfer of firearm or ammunition, generally	Prohibits transfer to any non-licensee who resides in any State other than that in which the transferor resides or has his place of business.	Changes wording to prohibit the transfer to any non-licensee who "does not reside in the State in which the transferor resides . . . " (Has the effect of closing the apparent loophole in existing law that permits transfer to an alien.)	Makes all interstate firearm transfers legal as long as the acquisition by the transferee doesn't violate any State or local law of his place of residence, or the transfer doesn't violate any State or local law of the place where it occurs. For the most part, exempts ammunition from the act's controls.
	Tranfer to a prohibited person by a non-licensee constitutes a violation by the transferee but not the transferor.	No change in existing law like that provided by the McClure-Volkmer bill, except that the proposed new controls on all handgun transfers (see below) would presumably have the effect of precluding a handgun transfer to a "high risk" individual.	Prohibits transfer to any person who the transferor has reasonable cause to believe is a person prohibited by the act from possessing or receiving. [see above: "Possession by 'high risk' persons."]

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
II. HANDGUNS			
Commercial sale of handgun			
Model limitations	Prohibits import—but not domestic manufacture and sale—of handguns not "generally recognized as particularly suitable for or readily adaptable to sporting purposes."	Extends existing import criteria to domestic sale (see statement of Senator Kennedy in Congressional Record, June 23, 1981: S6750 ff). Maintains the "sporting purposes" concept as the basis for determining which handguns should be commercially available.	No changes like those in the Kennedy-Rodino bill. Amends existing law to eliminate the Government's authority to disallow the import of firearms established to be suitable for sporting purposes.
Pre-purchase clearance	No requirement.	Requires both local and FBI clearance if the purchaser doesn't hold a federally approved permit (see below). Having received positive reports from both the local police and the FBI, dealer or seller may make the transfer after a waiting period of 21 days.	No change.
Permit-to-purchase	No requirement (except that State permit requirements be observed).	Specifies standards for a federally approved State permit-to-purchase a handgun (also, a permit-to-carry). Exempts persons who hold such a permit from pre-purchase clearance procedures (see above) and allows them to purchase a handgun in any State.	No change.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Buyer credentials	Requires licensees to keep records (of all sales, not just handgun sales) showing the name, age, and place of residence of the buyer. Restrictions on sale to under-age individuals, to nonresidents of the licensee's State, and to "high risk" individuals require the dealer to establish certain facts about the buyer, but the statute does not specify how.	No general change, but the proposed federally approved purchase permits would serve as identification and as a demonstration that acquisition by the purchaser would not bring him into violation of his State or local laws.	No change.
Multiple sale	Bureau of Alcohol, Tobacco, and Firearms regulation (March 1975) requires all dealers to report any case of selling more than one handgun to the same person within a 30-day period.	Prohibits sale to same person of any more than two handguns in any 12-month period absent prior Federal approval.	No change.
Mail order	Prohibits all interstate sales and deliveries to non-licensees. Permits intrastate mail-order sale to non-licensees pursuant to specified procedures.	Extends existing ban to cover intrastate sales.	No change.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Private transfer of handgun			
Generally	Prohibits sale or transfer to non-resident (State)--except as loan or rental or to carry out a bequest or other inheritance by a person who may lawfully acquire or possess the gun under the laws of the State of his residence.	Requires private transfers to be made pursuant to police clearance procedures prescribed for commercial transfers (dealer processing the clearance may charge a fee of up to $10 for performing the service, as prescribed by the Secretary of the Treasury). Doesn't apply to loan or rental at shooting ranges for use on the premises under specified conditions.	Removes restrictions on the transfer of any firearm to an out-of-State resident, but provides that such sale must conform to State and local law of both the transferee and the place of transfer. Also, extends the ban on licensee transfer to high risk individuals to include private transfers.
Of handguns that can't be sold commercially	N.A.	Restrictions on commercial transfers would also apply to private transfers.	N.A.
Multiple sale	No effect.	Makes it illegal for a private individual to purchase or receive more than two handguns in any 12-month period, but apparently would not have the effect of making a private sale illegal (i.e., seller would have no responsibility to determine whether or not the buyer would exceed his quota for the year).	No change.
Rental or loan of handgun	Illegal if to a non-resident unless it is for "lawful sporting purposes."	Presumably illegal by any person when the gun is one that can't be sold under the bill's provisions. Also illegal except at shooting ranges for use on premises under specified conditions.	Loans or rentals for temporary use for lawful purposes would be exempt from the prohibition against transfers that would be illegal under the State or local law of the transferee.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Purchase or receipt of handgun by private individual [See also "Possession by 'high risk' persons," above]	Illegal to receive in the individual's State of residence any firearm purchased outside the State.	Adds prohibition against purchase or receipt of more than two handguns in a 12-month period. Does not appear to place liability on the buyer or receiver in the event a transfer is made absent the prescribed clearance procedures or if the handgun transferred is a prohibited model.	Removes ban on receipt of any gun from out-of-State, as long as no law at the recipient's place of residence, or of the place of acquisition, is violated.
	Illegal to receive any firearm which has been imported in violation of the act.	No change.	No change.
Importation	Prohibits import of any firearm, but allows the Secretary of the Treasury (BATF) to authorize exceptions with respect to certain kinds of weapons to be used for specified purposes. The principal exception is for firearms "generally recognized as particularly suitable for or readily adaptable to sporting purposes." In the case of handguns, BATF uses a point system, devised by an expert panel, to determine whether or not the gun meets that description.	No change.	Requires the Secretary to make exceptions for firearms determined to be suitable for sporting purposes.
Modification	N.A.	Prohibits modification of an approved handgun which has effect of making the gun unable to meet the proposed handgun standards.	N.A.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Report of theft or loss	No provision.	Requires any person to report the loss, theft or disappearance of a handgun in his possession or control. Report must be made to the chief law enforcement officer of the place where the gun was kept within 24 hours after discovery of the loss or theft, and to the Attorney General within 5 days.	No change.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
III. FIREARM INDUSTRY LICENSEES			
Generally	Requires all firearm and ammunition manufacturers, importers, and dealers to be licensed by the Federal Government (Treasury Department, BATF). Sets forth various license fees, depending on the category of the licensee and the type of firearm or ammunition involved. Specifies qualifications. Stipulates a number of operating procedures to which licensees must adhere.	Specifies additional qualifications for securing a license to manufacture, import, or deal in firearms, and substantially raises fees for licensees manufacturing, importing, or dealing in handguns (see below).	Exempts ammunition dealers from licensing requirements and defines the general concept of "engaging in the business" of dealing in firearms so as to exempt persons who make "occasional" sales or repairs (see below under "Licensee qualifications").
Licensee categories	Provides for following licensee categories: 1) Manufacturers— a) of destructive devices and/or destructive device ammunition b) of other firearms c) of ammunition for firearms other than destructive devices. 2) Importers— a) of destructive devices or destructive device ammunition b) of other firearms or ammunition for other firearms.	Provides for manufacturer, importer, and dealer licenses which would cover long guns only, with higher fees required for licenses that also permit manufacturing, importing, or dealing in handguns. Other new categories: 1) gunsmith 2) dealer in handgun ammunition.	Exempts from the act's requirements persons dealing in ammunition only (except destructive device ammunition). Changes other qualifications (see below), somewhat modifying the nature of certain categories.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Licensee categories [continued]	3) Dealers— a) in destructive devices and/or destructive device ammunition b) who are pawnbrokers dealing in firearms other than destructive devices or ammuntion for firearms other than destructive devices. c) not dealing in destructive devices or ammunition for such devices, and not pawnbrokers.	Prohibits pawnbrokers from dealing in handguns or handgun ammunition.	
	4) Collectors who desire to be licensed to make interstate transactions involving firearms or ammunition which are curios or relics.		
Fees	1) For manufacturers— a) of destructive devices and/or destructive device ammunition--$1,000 per year; b) of other firearms--$50 per year; c) of ammunition for firearms other than destructive devices--$10 per year.	Makes changes noted: 1) For manufacturers-- --of handguns--$5,000 per year.	No change.
	2) For importers— a) of destructive devices or destructive device ammunition--$1,000 per year; b) of other firearms or ammunition for other firearms--$50 per year.	2) For importers-- --of handguns--$5,000 per year.	

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Fees [continued]	3) For dealers-- a) in destructive devices and/or destructive device ammunition--$1,000 per year; b) who are pawnbrokers dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices--$25 per year; c) not dealing in destructive devices or ammunition for such devices, and not pawnbrokers--$10 per year.	3) For dealers-- --in handguns--$500 per year. --in ammunition exclusively for handguns--$100 per year.	
	4) For collectors--$10 per year.		
		5) For gunsmiths--$100 per year	

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Licensee qualifications	Applicant for license must be at least 21 years old and have a place of business from which he intends to conduct such business (or collecting) within a reasonable period of time. Barred from receiving a license are applicants otherwise prohibited under the act from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce, or any applicant who has willfully violated any of the act's provisions (absent the granting of relief from such disabilities).	Specifies that the place of business of the prospective licensee must be "appropriate nonmobile premises protected by such adequate security devices" as may be prescribed by regulation. Also, adds the requirement that the applicant not be prohibited by State or local law from conducting the business to which the license would apply.	Defines the term "engaged in the business" so as to exempt— 1) a person who "makes occasional sales, exchanges, or purchases of firearms or who sells all or part of his personal collection of firearms." 2) a gunsmith who "makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms." Further, specifies that when the term applies to an importer, it means a person, other than a dealer, who imports one or more firearms in a calendar year, and that when it applies to an importer of ammunition, it means a person who imports any ammunition for sale or distribution.
Disciplinary authority of BATF	Provides for revocation of a license in the event a licensee has violated any provision of the act or rule or regulation prescribed thereunder.	Adds authority for license suspension or for imposition of a civil fine in lieu of revocation.	Provides that license may be revoked only when the violation was perpetrated "willfully." Further, provides that when criminal proceedings against a licensee are unsuccessful, a license may not be denied or revoked on the basis of the facts on which the charges were grounded.
BATF time to process applications	Provides that a license application must be approved or denied within 45 days.	Extends processing time allowed to 90 days.	No change.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Recordkeeping	All sales and deliveries of firearms and ammunition (except ammunition for use in long guns only) must be noted in the licensee's records—with the name, age, and place of residence of the purchaser. Records must be kept for as long and in such form and place as prescribed by regulations. They must be made available for inspection "at all reasonable times."	Establishes an additional recordkeeping system whereunder handgun manufacturers and importers would maintain records on the disposition of all handguns for 10 years from the date originally shipped or otherwise transferred—to include transfer records transmitted monthly by handgun dealers. Requires specifically that the manufacturer and importer handgun records will be kept according to the gun's serial number and will show (1) initial disposition and the date, and (2) for each subsequent dealer disposition, the gun model, the name and address of the transferor, and the name and address or license number of the transferee.	Eliminates recordkeeping on all ammunition sales. Modifies requirements for licensed collectors. Restricts government inspection authority so as to eliminate routine compliance inspections (there must be "probable cause to believe a violation . . . has occurred and that evidence thereof may be found" on the licensee's premises). Restricts BATF authority to make information obtained under the act available to State, local, or other Federal officials.
Reports	Provides that licensees "shall submit such reports and information with respect to [the required] records and the contents thereof" as shall by regulations be prescribed.	With respect to the new system of records on handgun transfers, requires such reports as may be specified by regulation.	Does away with existing authority to require reports based on licensee records. Specifies that on-site inspection is the only way in which records may be examined. Further, prohibits the government from creating its own system of records based on dealer records.
Unique serial numbers	No provision.	Provides for designation of a unique serial number code for each importer and manufacturer.	No change.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
IV. PENALTIES: CRIMINAL PROCEDURE			
Use of gun in committing crime	Provides that the use of a gun to commit a Federal felony (or the unlawful carriage while committing a Federal felony) is subject to a special penalty, in addition to the penalty for the underlying felony. In the case of a first offense, the added penalty is a minimum of 1 year and a maximum of 10 years in prison. A second offense is subject to an added penalty of 2 years and a maximum of 25 years in prison. A first offender is eligible for a suspended sentence or for probation.	Eliminates possibility, in the case of a first-time offender convicted of committing a Federal felony with a gun, of probation or suspension of the added sentence, and places limitations on parole for all offenders, unless the court were to find that any of certain specified mitigating factors had been involved. Raises minimum penalties for both first and second offenders: First - 2 years Second - 5 years.	Similar to Kennedy-Rodino bill but doesn't specify mitigating factors and doesn't raise the minimum sentence for a first offender. Limits application of the penalty to the use (not the carrying) of a gun to commit a felony "with respect to which the district courts of the U.S. have original and exclusive jurisdiction." Also exempts from the penalty the defensive use of a gun.
Transport, shipment, or receipt of gun or ammunition in interstate commerce, with intent to commit a crime	Prohibits, and provides for separate penalties when the crime intended to be committed is punishable by imprisonment for a term exceeding 1 year.	No change.	No change.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Other violations of the Gun Control Act	For violation of any provision of the act, provides for a maximum penalty of 5 years in prison and/or $5,000.	Provides the following separate maximum penalties: 1) possession, transport or receipt of a gun or ammunition in course of employment by a high risk individual prohibited from such activities—1 year/$1,000 2) failure by nonlicensee to report loss or theft of handgun—$100 (Second: 6 months/$1,000) 3) non-licensee transfer of handgun without adherence to prescribed procedures—$100.	Specifies that the state of mind required for culpability is "willfulness."
Civil liability	No provision.	Provides that any person who transfers a handgun in violation of the act shall be civilly liable for any death or personal injury inflicted with the gun by the transferee in the commission of a crime.	No change.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Forfeiture and seizure	Any firearm or ammunition involved in or intended to be used in any violation of the act or of any other Federal criminal law is subject to seizure and forfeiture in accordance with provisions of the Internal Revenue Code.	No change.	Restricts applicability to guns actually used in a violation. Provides that any dismissal of charges upon which seizure is based, any verdict or disposition on such charges other than "guilty", or any failure of the United States to prosecute such owner or possessor on the charges within 120 days of the seizure, would constitute an absolute bar to such forfeiture, and the seized firearms or ammunition would thereupon be returned to the owner or possessor. Provides for award of attorney's fees in a successful court challenge of a seizure, and in any other case where the court finds the seizure was without foundation or was initiated "vexatiously, frivolously, or in bad faith." Restricts government's seizure authority to cover only those firearms or quantities of ammunition "particularly named and individually identified" as involved in or used in a violation of the act or other Federal criminal law.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
V. MISCELLANEOUS PROVISIONS			
Disabilities relief	Authorizes the Secretary of the Treasury (BATF) to grant relief from the disabilities imposed by Federal law on a person convicted of a "crime punishable by imprisonment for a term exceeding 1 year"—other than a crime involving the use of a firearm or other weapon or a violation of the act (chap. 44 of Title 18, U.S.C.) or of the National Firearms Act—if it is established to [the Bureau's] satisfaction that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest.	Adds to the class of persons who may be relieved by BATF of disabilities under the GCA those who, having been adjudicated as mentally incompetent or having been committed to a mental institution, subsequently have been declared by a court or other lawful authority to be restored to mental competency. Adds to the class of persons who may not be relieved by BATF of disabilities under the GCA those who have been convicted of violating a State or local gun regulation law.	Requires the Secretary to grant relief to any person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition unless the applicant's record and reputation are such that he would be likely to act in a manner dangerous to public safety and the granting of relief would be contrary to the public interest. [Note that provision is made for de novo judicial review of an adverse ruling on a petition for relief.]

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Congressional review of BATF actions	No provision.	No change.	Establishes a system of congressional review of each rule, regulation, or order promulgated under the GCA by the Secretary of the Treasury, in effect giving either chamber of Congress the power to veto such actions.
Administering agency	Gives the Secretary of the Treasury (BATF) authority for administering the act (title IV of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title I of the Gun Control Act) and the National Firearms Act of 1934.	Transfers all functions of the Secretary of the Treasury relating to Title I of the Gun Control Act to a new agency in the Justice Department ("Firearms Safety and Abuse Control Administration"). Further, allows the President, within 180 days after the effective date of the provision, to transfer to the Justice Department "any function of any other agency or office, or part of any agency or office, in the executive branch . . . if [he] determines that such function relates primarily to functions transferred to the Department by this provision.	No change.
Explosives	Existing law regulating commerce in explosives (Title XI of the Organized Crime Control Act of 1970) exempts small amounts of black powder from the statute's controls, but purchasing procedures in such cases have been a matter of dispute.	No change.	Prohibits the government from prescribing regulations that require purchasers of black powder, under the exemption provided in section 845(a)(5) of title 18, U.S.C., to complete affidavits or forms attesting to that exemption.

Subject	Existing Law	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Interstate transport	Contains no provision to preempt the laws of a State with respect to the transport of a firearm through the State.	Specifically prohibits the interstate shipment or transport of any firearm or ammunition if it would violate a State law (either at the destination or in transit) or an ordinance at the place of sale, delivery, or other disposition.	Nullifies any State law that prohibits the transport of a gun (unloaded and not readily accessible) through the State.

TABLE II. Gun Control: Highlights of the K[illegible]nedy-Rodino and McClure-Volkmer Bills

Subject	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Commercial sale of handguns		Contains no comparable provisions. In contrast, does away with existing law's prohibition on over-the-counter or other direct sale to an out-of-State buyer; however, prohibits any sale that would violate a State or local law of either buyer or seller.
Model restrictions	Prohibits manufacture and sale of non-sporting handguns--presumably by extending existing import restrictions to domestic sales.	
Pre-purchase clearance	Clearance by local police and FBI if buyer doesn't hold a federally approved permit. Dealer may deliver handgun after 21 days if he has received positive responses from both the FBI and local police.	
Multiple sale	Limits to two handguns in any 12-month period absent prior Federal approval.	
Mail order	Extends existing ban on interstate mail order sale to cover intrastate handgun sales.	

Subject	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Licensing for purchase or carrying	Specifies standards for State permits to purchase or carry a handgun (separate permits). Holder of a permit that meets the standards would be exempt from pre-purchase clearance procedures and could buy a handgun in any State.	No similar provision.
Private sale or transfer of handgun	Requires same pre-purchase clearance as for commercial sale (effected through a licensed dealer who may charge up to $10 for the service). If transferee has a permit, transferor must establish validity of permit and legality of its possession by transferee, and must report the transfer to a licensed dealer, who is required to keep a record of it.	Does away with existing law's prohibition on transfer to a non-resident of the State in which the transfer is made, but requires that transfer must not violate the laws of the place in which it is made or the residence of the transferee.
Industry licensee requirements	Specifies additional qualifications for a license to manufacture, import or deal in handguns. Substantial increases in fees for handgun licensees. Other restrictions on licensee operations. Prohibits pawnbrokers from dealing in handguns or handgun ammunition.	Exempts ammunition dealers and persons who make occasional firearm sales from licensing requirement. Redefines existing law concept of "engaging in the business" of manufacturing or dealing in firearms.
Licensee recordkeeping	Requires new, more detailed recordkeeping system for handgun transfers.	Restricts government inspection authority; no more routine compliance inspections. Eliminates recordkeeping on ammunition sales.
Licensee reports	With respect to new system of records on handgun transfers, requires such reports as may be specified by regulation.	Does away with existing authority to require licensee reports based on records. Allows only on-site record inspections by BATF. Specifically prohibits creation of any central registry of records by the government.

Subject	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Penalties for regulatory violation	Provides for lower penalties for certain less serious offenses. Also, provides that any person who transfers a handgun in violation of the act shall be civilly liable for any death or personal injury inflicted with the gun by the transferee in the commission of a crime.	Raises mens rea requirement for conviction of a violation of the act, to willfulness.
Gun crime penalties	Amends existing law to eliminate, for a first-time offender convicted of use of a gun to commit a Federal felony, the possibility of probation or a suspended sentence, but specifies mitigating circumstances. Raises minimum penalties specified for both first and second offenders, to 2 and 5 years respectively.	Same, but doesn't specify mitigating circumstances. Also requires prescribed minimum sentence to be served before parole may be granted. Raises minimum penalty for a second offender to 5 years.
Seizure and forfeiture of guns or ammunition involved in violation	Not affected.	Restricts applicability to guns or ammunition actually involved in a violation. Provides for award of attorneys' fees in a successful court challenge of a seizure.
Attorneys' fees	No provision.	Provides for award of "reasonable" fee when a court finds that a government action taken under the act was without foundation or was "initiated vexatiously, frivolously, or in bad faith."
Congressional oversight	No provision.	Establishes a system of congressional review of each rule, regulation, or order promulgated under the GCA by the Secretary of the Treasury.

Subject	Kennedy-Rodino (S. 974/H.R. 3200)	McClure-Volkmer (S. 1030/H.R. 3300)
Administering agency	Creates new Justice Department agency to administer Title I of the Gun Control Act (Chap. 44, U.S. Code)	Not affected.
Interstate transport	Specifically prohibits, both of firearms and ammunition, if it would violate a State law (either at the destination or in transit) or a local law at the destination.	Nullifies any State law that prohibits the transport of a gun (unloaded; not readily accessible) through the State.

VII. GUN CONTROL AND CRIME: A SELECTION OF STUDIES

A. INTRODUCTION

The major goal of most advocates of the stricter regulation of firearms is a reduction in the incidence of violent crime. It is therefore essential from their point of view to demonstrate a positive correlation between the availability of guns and the commission of such crimes. Moreover, they are concerned to show that laws designed to reduce availability (or, as in the case of Massachusetts' Bartley-Fox statute, that penalize behavior judged likely to lead to crime[1]) do in fact bring about a reduction in crimes of violence. Opponents of strict controls are interested in showing that gun availability and restrictive gun laws have little or no moderating effect on crime rates; indeed, they sometimes argue that widespread gun ownership can be a deterrent to crime by making criminals more apprehensive about the possibility of victim resistance.

The following selections are intended to present a representative range of conclusions generated by serious studies of the relationship between crime, guns, and gun regulation.

Blackman, "Conceptual, Constitutional, Enforcement and Experimental Problems Involved in Mandatory Sentencing for the Unlicensed Carrying/Possession of Handguns," 1981

Cook, "The Effect of Gun Availability on Violent Crime Patterns," 1981

Kleck and Bordua, "The Assumptions of Gun Control," 1981

Pierce and Bowers, "Bartley-Fox Gun Law's Short-term Impact on Crime in Boston," 1981.

Wright and Rossi, "Weapons, Crime, and Violence in America": Executive Summary, Chapter VII (On Crime and Private Weapons), and Chapter XV (Weapons Control Legislation and Effects on Violent Crime), 1981.

Pierce and Bowers examine the impact of Massachusetts' Bartley-Fox law in the city of Boston and find that although the overall level of armed assaults and robberies has not been substantially affected, the statute "produced an overall decline in the incidence of criminal homicide." Blackman attacks the Pierce-Bowers findings and certain other studies on similar laws. Cook concludes that if guns were "less widely available" the criminal homicide rate would fall. Kleck and Bordua examine five assumptions of gun control proponents, four of which are related to the relationship of gun availability and crime; they find that the evidence reviewed in their paper "renders suspect some of the most crucial factual assumptions underlying arguments in favor of policies aimed at restricting the ownership of firearms."

Finally, Wright and Rossi, in a detailed study recently released by the National Institute of Justice, provide a degree of support for both sides of the gun control dispute. While concluding that "there is no compelling evidence" that private weaponry is an important cause of violent criminality, they nevertheless also find that "there is some evidence that under some conditions, reductions in gun-related crimes can be achieved through gun control legislation."

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[1] Under Bartley-Fox, the unlicensed carrying of a handgun.

The above characterizations are for the general guidance of the reader; however, they do not adequately reflect the work and conclusions of the authors represented, who make distinctions and attach qualifications that merit careful consideration.

B. STUDIES

1. CONCEPTUAL, CONSTITUTIONAL, ENFORCEMENT AND EXPERIENTIAL PROBLEMS INVOLVED IN MANDATORY SENTENCING FOR THE UNLICENSED CARRYING/POSSESSION OF HANDGUNS

(By Paul H. Blackman, Ph. D., Research Coordinator, N.R.A. Institute for Legislative Action)

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Among the "gun control" proposals being most actively pushed at the state level at the present time is a mandatory penalty—without probation, parole, furlough, suspended sentence, etc.—for the unlicensed carrying or possession of handguns (or all firearms). This scheme's proponents allege that persons possessing, carrying or transporting an unlicensed firearm are "looking for trouble," (Wilson-Moore) and should be deterred or penalized by a six-to-twelve month jail sentence. Such proposals could amount to a virtual gun owning or carrying ban by penalizing and discouraging handgun ownership. Indeed, the National Coalition to Ban Handguns terms the Massachusetts' Bartley-Fox mandatory penalty law as "similar" to the Washington, D.C., handgun ban in its 1981 fundraising letter.

There is a certain simplistic appeal to the mandatory penalty-for-possession law, if one assumes that peaceful citizens will comply with licensing and registration requirements before owning, carrying, or transporting handguns, and only potential or previously convicted felons would be affected by such a law. In addition, the proposal feeds on the popular support for mandatory penalties for use of a gun in commission of a violent crime—a measure supported by pro-gun groups since 1958 and supported by over 80% of the American public.[1] (Caddell, 1978; Decision Making Information, 1979.)

Yet, the support for mandatory penalties for carrying or possessing firearms without requisite papers is based on numerous misconceptions about restrictive firearms laws and the circumstances affecting carrying. Mandatory penalties for possession or carrying call for a mandatory term in jail or prison for a victimless crime, although support frequently comes from persons who denounce such penalties for crimes which are *mala in se*. The penalty clearly interferes with the discretion of judges, something generally opposed by the judicial community as well as by criminologists—at least when dealing with other issues, e.g., drug and prostitution laws, robbery and rape. In addition, there are numerous civil liberties problems involved in enforcing laws against the possession, transportion, or carrying of items which are generally concealable, especially where the enforcement may become more proactive than reactive. (See Wilson-Moore)

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[1] Mandatory penalties for using guns to commit violent crimes are not as popular among sociologists and criminologists as mandatory penalties for persons carrying or possessing guns without authority. Academia appears more interested in attacking mandatory penalties for use (Loftin-McDowall) and defending mandatory penalties for carrying (Beha, Rossman, Pierce-Bowers, and those uncritically praising Pierce-Bowers: Cook; Wright).

(Continued)

In Massachusetts and New York, which have enacted such legislation, criminologists have some opportunity to evaluate the real problems against the alleged effectiveness of the measure as a crime control device. Massachusetts enacted its Bartley-Fox law in 1974; New York enacted the Koch-Carey version of a mandatory for possession law and a mandatory penalty for using a gun to commit a violent crime in mid-1980. Connecticut adopted a mandatory penalty law for unlicensed carrying in 1981; its current law, however, readily enables most law-abiding citizens to obtain licenses to carry, and the law is too recent to evaluate. New York adopted both pro-gun and anti-gun mandatory penalties for those non-violently carrying handguns and for those violently misusing them; statistical studies of the laws' effects on crime are virtually impossible.

Massachusetts adopted a mandatory penalty for carrying although most residents of large cities cannot possibly obtain a license. Only Massachusetts has had the mandatory penalty law long enough to measure its impact on police, prosecutors, judges, and violent crime—but not, according to the studies, for murder. (Beha: 103, 129–30; Rossman: 201; Deutsch). And even with Massachusetts, the studies to date have been expressly unable to firmly attribute any effects on violent crime to the law itself as opposed to publicity about the law. (Beha: 104; Pierce-Bowers: 137)

The Massachusetts experience with Bartley-Fox will be discussed more specifically later. For the moment, the effects of Bartley-Fox according to the two major studies (Beha, Rossman) are as follows: Although police have deliberately avoided stopping, frisking, and ar-

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(Continued)

In fact, during the Bartley-Fox comparative years—1974 to 1980—violent crime in general and murder in particular decreased more in such mandatory-for-misuse states as Michigan, Maryland, Virginia, South Carolina than in Massachusetts, with its mandatory penalty for carrying.

(Throughout this paper, the issue will be discussed in terms of mandatory penalties for carrying handguns. Although Beha and Rossman believe the legal change affecting rifles and shotguns statistically irrelevant, in point of fact, the Massachusetts law mandates a year's imprisonment or jail (without probation, suspended sentence, good time, furlough, etc.) for anyone convicted of the unauthorized carrying of not just handguns, but also rifles, shotguns, and air guns. A difference is that long guns may be carried legally by persons with an FID—firearm identification card—which police are obligated to issue to all but prohibited classes of people. Handguns may only be carried legally by persons with a license to carry; an FID is insufficient to do more than possess.)

The Loftin-McDowall and Pierce-Bowers approaches to mandatory penalties are interesting. Pierce-Bowers view disproportionate decreases in non-gun crime in Boston as showing that deterrence of gun carrying was not followed by displacement to other weapons, justifying their conclusion that the gun law worked. Loftin-McDowall view the significant drop in non-gun violent crime as proof the gun law was not the cause of the overall crime drop.

Actually, a mandatory penalty for use should logically be expected to affect all sentencing for violent crime and hence potentially discourage all types of violent crime. Judges, forced by law to sentence gun-wielding violent criminals to minimum terms, will be inclined to sentence equally vicious but gunless violent criminals to comparable terms, lengthening overall sentences. A mandatory penalty for carrying, being a substantially shorter sentence, should have that effect only—potentially—on assault cases, not robbery, rape, or murder. If Loftin-McDowall found overall increases in sentencing for armed robbery, the overall robbery decrease in Detroit would be explained more than Pierce-Bowers' non-gun murder decline in Boston.

A second difference in approach deals with the time the law took effect. In both Detroit and Boston, the decrease in gun-related violent crime preceded the law. Loftin-McDowall view that as evidence the law should not be credited. Pierce-Bowers view the pre-law drop in Boston crime as evidence the law—specifically, publicity about the law—is working.

resting some peaceful citizens for Bartley-Fox violations, persons without criminal records or with misdemeanor records are now more likely to be arrested and charged with unlicensed carrying of firearms. Judges tend to decide constitutional and other legal questions in favor of defendants, who are more inclined to plead not guilty, to appeal convictions, and who generally win either at the first or appellate trial appearance. As a result, the number of persons actually sentenced for unlicensed carrying has remained stable—but the likelihood is now greater that the number will include persons without previous records. Both before and after Bartley-Fox, in Boston as in other cities, blacks and other minority-group members compose a disproportionate number of those arrested, charged, convicted, and sentenced for firearms violations.

Since adoption of the Bartley-Fox law, violent crime has risen dramatically, led by aggravated assault. Robbery has been unaffected overall; however, the type of robbery most expected to be affected by Bartley-Fox—street robbery where a gun is used—actually increased. The murder rate decreased largely back to the Massachusetts norm following two abnormally murderous years (1973–74). At that, the Massachusetts murder rate paralleled the other New England states. However, murder data are insignificant for any valid statistical analysis in the near future. Interestingly, at least one Massachusetts city which clearly refused to comply with the Bartley-Fox law—Springfield—saw violent crime rise slower than the city of Boston, which uses Bartley-Fox more extensively.

Despite the constitutional problems involved in enforcing laws against carrying or possession, its supporters advocate gun law enforcement policies which would severely diminish the protections accorded by the Fourth Amendment. Clearly, such mandatory penalties call for at least some thoughtful examination by criminologists and others concerned with both reducing crime and preserving civil liberties.

Conceptual, constitutional, and enforcement problems involved in carrying/possession and their regulation

Mandatory penalty proposals may be directed at either the unlicensed carrying or possession of firearms, although supporters have wanted the law to apply to both, but compromised on initial application only to carrying. The latter was true in Massachusetts and New York, with supporters seeking to have possession covered as well, and to sharply restrict if not prohibit firearm possession to all but law enforcement personnel and security guards.

Much of the debate surrounding mandatory penalties for unlicensed carrying ignores both the legal meaning of carrying and the difficulties in carrying lawfully. State laws vary considerably in what is meant by "carrying." In Massachusetts, for example, it is possession plus movement, which applies to transportation as well as to what commonly is thought of as carrying (being on the person and readily accessible to him). Much transportation of handguns—and long guns as well—legally involves carrying.

And the laws for obtaining permits to transport or carry vary considerably from state to state and in different jurisdictions within states. Only a few states, like Connecticut, require authorities to issue licenses to carry to all applicants unless they are prohibited by statute. Therefore, Connecticut's mandatory penalty should be much more limited in its application than the New York or Massachusetts laws, unless the police arbitrarily or generally refuse to issue licenses to carry. In many jurisdictions, either no permits to carry exist, save informally by making prospective carriers deputy sheriffs, or they are rarely issued. Such a policy or law clearly puts gun owners in a "Catch 22" situation if it is virtually impossible to obtain a carrying license, yet unauthorized carrying is punished by a mandatory jail sentence.

Most discussions about carrying of handguns are rife with ignorance regarding who carries and why. Many persons may assume only police, security guards, and criminals or would-be criminals carry handguns. In fact, surveys indicate that large numbers of citizens carry handguns for protection at some time or another.[2] The Caddell survey suggests that 12 million adult Americans have carried handguns for protection at some time. And a Florida survey (Burr, 1977) found that about one-third of those who carry in Florida do so on a regular (daily) basis. Projecting this proportion to the nation as a whole, about four million Americans carry handguns for protection on a regular basis. Assuming no more than 1.5 million of those are public or private cops (Wright: ch. 4), about 2.5 million American adults may carry handguns regularly for protection. Although there are no national data available, carrying is prohibited or sharply restricted in enough states so that much of the carrying for protection is unauthorized.

Persons carry because they are afraid of crime. If they are wealthy or influential, they can probably obtain a license. (Kates, 1981) Many of the middle and lower class, without comparable influence, must decide between carrying without authorization or risking their lives and property to persons disinclined to obey laws against violent crime. Judges have used their discretion to release gun-law violators because these are frequently persons without previous records, forced to traverse unsafe sections of town at times when crime thrives—persons caught largely by chance by the very authorities who are unable to protect them from violent criminals.[3] (Kates, 1981; Shields) The persons arrested for firearms violations are disproportionately poor and black. Supporters of mandatory penalties, however, mistakenly perceive carriers as looking for trouble rather than security. (Wilson-Moore; Pierce-Bowers: 121–22)

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[2] Millions more technically "carry" when transporting handguns from target or hunting ranges, places of purchase or repair, and the like. The surveys ask about carrying for protection, rather than actions legally defined as carrying.

[3] A recent Ohio case notes some of the problems of enforcing laws against unlawful carrying or possession of handgun. Rosetta C. Scales was charged with possessing an unregistered handgun. A nurse, working all over the city of Cleveland and having to travel at night, she bought the gun for protection and carried it with her as she drove from place to place. It was registered in another town when she bought it and she was ignorant of East Cleveland's requirement that she register it there when she moved. She could not get a permit to carry the gun concealed under Ohio law and was violating the law by having it in her car. (Were she in Massachusetts, she would similarly have been violating the law on carrying and would similarly have been unable to obtain a license to carry in the Boston area.) The gun was discovered only because she stopped at a scene of a fire to see if she could be of some assistance, and a policeman who also arrived happened to see the gun on the floor of her car. (Cleveland Plain Dealer, September 25, 1981.)

The case demonstrates both the type of person who carries without a license and the accidental way in which guns are discovered (except where police frisk someone suspicious looking or wanted for a specific crime). Guns may be found by police following auto accidents, during routine checks after a traffic violation, when accidentally exposed, or under similar circumstances. Persons are caught not by good police work but by bad luck.

In evaluating a mandatory penalty law for the unlicensed carrying of a firearm, it is also important to consider the types of crimes targeted. First, only gun-related violent crime is targeted, ignoring more than 90% of violent crime (based on U.S. Dept. of Justice victimization surveys). Second, unless juveniles are tried in adult court, gun-related violent crime committed by juveniles is excluded. Third, since the penalty applies only to carrying outside home or place of business, upwards of a third of murders and aggravated assaults, and other gun-related violent crimes, committed by adults in their homes and some other indoor locations are not covered. And other technical procedures prevent applying the mandatory penalty for carrying to most gun-related violent crimes. In Massachusetts, for example, it would be necessary to prove that the gun was capable of firing. It might not be possible to prove that unregistered guns were carried by perpetrators in violent crimes in the homes or business of others, particularly acquaintances, and the like. Because of the restrictions, the Massachusetts law could only be charged against one-sixth to one-fifth of prosecutions involving gun-armed robbery and one-fourth overall of those charged with gun-related violent crimes. (Beha: 46; Rossman: 294)

The mandatory penalty for carrying is aimed primarily at outdoor and public-place aggravated assaults and spur-of-the-moment robberies (since most robbers who plan, and are willing to risk the greater penalties for armed robbery, will be undeterred by a mandatory penalties law against illegally carrying a firearm). Only street robbery, the least planned of robberies, might be expected to be discouraged by a mandatory law against carrying without a license. The law is primarily aimed at adult outdoor/public place aggravated assault—a less planned offense, for which the six month or one year minimum mandatory penalty may be greater than that otherwise imposed for the offense. (See Loftin-McDowall, Beha, Rossman, Pierce-Bowers.) In evaluating the desirability of such mandatory penalties based on the crimes targeted—street robbery, assault, assault-related murder—it should be remembered that gun-related personal robbery and assault are much less likely to result in injury than non-gun robberies and assaults. (U.S. Dept. of Justice victimization surveys, "Myths," etc.)

Mandatory penalties for carrying then are aimed at only a small amount of the violent crime in the nation, and only at a relatively small amount of the gun-related violent crime.[4] The law largely affects the vast majority of the persons who, driven by the fear of being victimized, carry without a license. Too many of those arrested, as Beha noted (176) are "false positives"—with guns but non-criminal.[5]

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[4] Although envisioned as creating certainty of punishment, the mandatory penalty, obviously, is only for those convicted. If less than 7 percent of crime leads to convictions, mandatory penalties cannot raise the certainty above 7 percent. (Beha: 198 n. 153)

[5] In theory, such a draconian, dragnet approach ought to catch some criminals as well as nonviolent persons and so reduce violent crime. If there is no objection to overkill, culprits will be caught too. Generally, however, the justice of the situation raises concern. When Theodore Roosevelt dishonorably discharged the troops at Brownsville, he effectively punished the real culprits but also excessively punished those whose only offense was maintaining silence. It is burning a house to roast a pig to catch gun-carrying violent criminals by punishing all gun carriers whether violent criminals or not. Not all procedures which also affect the violent criminal can be considered in a society which prefers presumptions of innocence and due process of law. While, in theory, a mandatory penalty for carrying without a license ought to catch some criminals, so would a law calling for a mandatory penalty for anyone male, from a broken home, aged 15–30, with a family income under 10,000, who is out after dark. Although such a crime, with a mandatory penalty, might "work" there are few who would support it.

The law can only rarely be applied to persons who actualy use guns to commit violent crimes. As Beha noted (69): "We know from the basic pattern of the sample that more than half of those charged with various firearm violations were arrested in circumstances which justified the bringing of *no* other charges. Several, in fact, were arrested when they reported the occurrence of crimes of which *they* had been the victims!" Under those circumstances, the question is whether there should be any penalty, not whether it should be mandatory.

A final problem with the concept of mandatory penalties, from the perspective of gun owners, is the ultimate purpose of such a law. Many of the advocates of mandatory penalties favor sharper restrictions on handgun ownership if not a total ban (Senator Kennedy, National Coalition to Ban Handguns, Mass. Speaker Bartley of Bartley-Fox [Rossman: 221], et al.). Polls indicate that such a ban would be widely violated. (Decision Making Information, 1975 and 1979; Kates, 1981; Bordua) And the advocates further would make obtaining a license to carry more difficult. The Kennedy-Rodino bill (S. 974; H.R. 3200) in the 97th Congress, for example, calls for stricter state licensing laws than currently exist in any state in the union and require that the laws be enforced with a mandatory penalty for violating the carrying provisions.

Pro-gun individuals and organizations are thus concerned about (a) expanding the "Catch-22"—imposing a mandatory penalty for an unlicensed firearm when a license is all but unobtainable, and (b) mandatory penalties' being expanded to cover possession as well as carrying, in conjunction with legislation curbing authorized possession of handguns. These concerns are justified given, for example, that Mayor Koch called for mandatory penalties for possession at a time when the city of New York reportedly allowed the possession of only 40,000 handguns and the police estimated 1-2 million illegal handguns.

The concept appears, thus, to be aimed primarily at otherwise law-abiding, non-violent members of society. The mandatory penalty for unlicensed carrying is not aimed at professional criminals but at spontaneous crime; expanding the concept by narrowing licensing and/or applying the law to (restricted) ownership would similarly be aimed not at professional criminals. For the professional criminal, six months or one year is a smaller price than would be paid for the violent crime itself. A mandatory penalty would deter only generally honest citizens. It has been said that gun laws can only be enforced by making the average man more afraid of his government than he is of criminals. Mandatory penalties appear to be a step in that direction—and for a victimless crime.

Curiously, persons who see no relationship between drug use or prostitution and violent crime sufficient to punish those "victimless crimes" believe gun ownership or carrying so closely tied to violent crime as to support restrictive gun laws thereby creating victimless crimes. (See Kessler; Kates, 1981.)

Mandatory penalties for possession or carrying of handguns creates a mandatory penalty for a *malum prohibitum* offense. While it is difficult to contemplate extenuating circumstances for armed robbery, it is relatively easy to imagine circumstances where carrying a handgun without a license had extenuating circumstances. (Beha; Rossman; Kates, 1979 and 1981.) Indeed, the first Massachusetts and New York City arrests both provided examples of such cases: Boston police arrested an elderly lady distributing pamphlets in an unsafe part of town and New York police arrested an Ohio truck driver coming to the defense of an apparent kidnap victim.

Violations of restrictive gun laws are about the only victimless, nonviolent offenses for which mandatory penalties have been either proposed or enacted.[6] Gun law violations are, after all, *mala prohibita*, not *mala in se*. Unlike murder or robbery or rape or assault, with or without a firearm, there is nothing in and of itself wrong in carrying a handgun. Mandating imprisonment for a gun law violation is inherently excessive, especially since imprisonment is not mandated for violent *mala in se* crimes. Mandating a year's imprisonment for carrying a gun without a license is clearly unjust in a state, like Massachusetts, where there is no mandatory minimum prison term for rape, robbery, or murder.

Mandatory penalties invite additional police discretion although society is concerned about the potential for abuse of discretion by police (Skolnick). Mandatory penalties, while restricting the discretion of judges, transfer discretion to police: to stop and frisk, to arrest, and to charge. Following the enactment of Bartley-Fox, Boston police acknowledged modifying their decisions on whom to stop and frisk for fear of apprehending otherwise honest citizens. Police exercised discretion with both suspects and type of charge, if any, levied. (Rossman: 218–19) In addition, although not recognized by Beha or Rossman, police were in a position to confiscate firearms without either arresting persons or reporting guns seized with less chance of objection from those caught carrying. Such expanded police power invites violations of the equal protection clause and the improper and discriminatory enforcement of the law by police. Beha and Rossman note that while police did not stop more blacks once Bartley-Fox took effect, in the city which is about 20 percent black, blacks comprised over half of the persons arrested for unlicensed carrying of firearms.

An additional problem with mandatory penalty provisions for unlicensed carrying involves the "search and seizure" problems attached to the enforcement of such laws. Bendis and Balkin have noted the difficulty of enforcing carrying laws, especially where the crime is concealed carrying rather than carrying openly. It is difficult for police constitutionally to learn of a concealed firearm. Thus, improperly found and seized firearms represent a substantial portion of gun cases which are dismissed (Kates, 1979: 195; Bendis and Balkin; Brill, 1981). And without a mandatory minimum penalty for possessing or carrying, a criminal might be willing to plea bargain an offense despite improper seizure of a gun; the mandatory penalty provision, however, may force such persons to fight and win in court. Thus the mandatory penalty provision has the unwanted effect of making it more difficult to punish career criminals for unlawful carrying (Brill, 1981).

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[6] One defense used by an early Bartley-Fox defendant was that his offense was the only offense calling for a mandatory penalty which could be tried by the district court; indeed, that it was the only offense in Massachusetts with a mandatory penalty, and that the offense required no malice, no intention to misuse the gun, no knowledge that the action was a crime. (Beha: 11–14 and notes)

Those calling for increased police measures to apprehend unlicensed handgun carriers show very little concern for Fourth Amendment rights. The Police Foundation, Professors James Wilson and Mark Moore, and others call for essentially police-state tactics for eradicating the unlicensed carrying of handguns in this country. (Wilson-Moore, *New York Times*, *U.S. News & World Report*, etc.) They call for the development and deployment of metal detectors for police to subject citizens on the streets to an arbitrary search to detect firearms. Any positive reaction by the device would justify a personal search to determine whether the metal was a knife, gun, calculator, keys, coins, or some other object. As with airline metal detectors, there would be many more body searches "justified" by metal detectors than would be likely to produce unlicensed weapons. If accepted, the Fourth Amendment, outside of the home or office, would, in effect, be repealed. Yet the silence of the civil libertarians is deafening.

The "equal protection" issues raised are considerable. While police tend to arrest blacks disproportionately for carrying firearms unlawfully, the mandatory penalty limits judicial discretion to counter any possible racism in enforcement.[7] Equal protection is also involved in laws passed statewide but enforced with gusto only in cities—the discrimination being against city residents. Discriminatory enforcement also prevails in cities like Boston where it is virtually impossible to obtain a license to legally carry a firearm. If the only difference between qualifying for a license and not qualifying is the prejudice of the police chief, judge or other authorizing agent against applicants based on wealth, race, occupation, or residence—mandatory penalties for carrying without a license raises some further "equal protection" questions.

Inescapably, the judicial system is impacted by the mandatory penalty laws through increased caseloads. Mandatory penalties almost automatically assure that guilty pleas are a thing of the past. Instead of a possibly warranted wrist-slap following a guilty plea, persons without serious criminal backgrounds will fight prosecution, insist upon a jury trial, appeal whenever possible, and raise more technical and evidentiary issues at trial. The time between arrest and final judicial determination of guilt and sentencing will expand. And it will, overall, cost the state more to prosecute a person for unlicensed carrying of a firearm than for many violent crimes.

The Massachusetts experience

Is it all worth it? Are the risks of constitutionally dubious police behavior and more expensive, less successful, judicial proceedings worth the goal of discouraging some unlicensed carrying of handguns? The Massachusetts experience would suggest not. Although constitutional violations were not as numerous as many feared, violent crime rose, judicial proceedings were slowed and less likely to result in conviction, and any deterrent effect on criminal gun misuse was short-lived.

The judiciary was not overburdened partly since Boston police were not as enthusiastic about confiscating firearms as in some other cities.

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[7] See Rossman (421–22) for a case where only the single armed black was arrested, and sentenced under Bartley-Fox, in a place where numerous whites were similarly and unlawfully armed but not arrested.

(Brill, 1977: ch. 2; Beha: 21–22) Where police enforcement is more aggressive, as in Chicago and as is being sought in New York, special courts are needed just to handle gun-law violations. With mandatory penalties, those courts could not act so expeditiously as in Chicago, where many cases are thrown out because of improperly seized guns and most offenders let off without prison time. (Bendis and Balkin, Shields)

The lack of information about guns seized, the misunderstanding of police personnel attitudes towards privately owned or carried firearms, and the lack of information about policy gun seizures and enforcement tactics are but a few of the problems in analyzing the Massachusetts experience.

Both the major studies of Massachusetts' Bartley-Fox law and its effects—the Harvard study (Beha) and the Boston University study (Rossman—including Pierce-Bowers)—recognize certain data limitations. Both studies emphasize Boston, while recognizing it is atypical of Massachusetts (Beha: 25, 101), and which had a "major violators" project commencing just after Bartley-Fox. (Beha: 188) Even Pierce and Bowers recognize limitations on their data sources and the accuracy of conclusions—particularly regarding murder—in their formal studies. For example, Pierce and Bowers admit they considered no factors in comparisons with other jurisdictions except jurisdiction and number of persons and crimes. (Rossman: 178) Most of the flaws—especially of Pierce and Bowers—were never revealed to the media and the public; thus, Bartley-Fox is perceived as being beneficent rather than either innocuous or dangerous in the development of public policy. Although the Bartley-Fox Law received widespread media attention and support to encourage its enactment in other states, it is not at all clear that Bartley-Fox is exportable, given Massachusetts' criminal justice system. And, significantly, Massachusetts has never had the problem with juvenile gun-related crime as such places as New York and California.

The serious limitations of the law and findings of these studies, however, are not in the potential differences between Massachusetts and likely imitators. The major limitations are in data—their availability to Harvard and Boston University and their use by the studies' authors. As noted, the limitations are generally admitted: the studies were conducted shortly after Bartley-Fox took effect, and after a massive publicity campaign. No one knows whether any possible impact on carrying habits or violent crime was due to publicity or law; publicity is suspected since the decreases in gun use in violent crime occurred before the laws took effect.[8]

Other data limitations included: reluctance to interview some judges or prosecutors, particularly with ongoing cases; refusal of some attorneys to be interviewed; lack of accurately reported crime data, particularly for 1974 (the last year before Bartley-Fox) and before, in

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[8] New York is staging a publicity campaign similar to that which accompanied the introduction of Bartley-Fox in Massachusetts, just as (1) Massachusetts is taking down its state-border warning signs as creating an unfriendly image and discouraging tourism, (2) the Justice Department is helping to fund both the misinforming signs and a study of the effects of New York's new law rather than longer-term studies of Massachusetts', and despite (3) the fact that New York's law is not truly mandatory. New York will mark the second straight state to adopt a "mandatory" law and publicize it erroneously interpreting the provisions of the law.

Boston, the state, and comparative jurisdictions; lack of cities comparable to Boston (New England lacks any other city over 250,000; the rest of the Northeast lacks any cities in Boston's 500,000 to 1,000,000 category); and the murder statistics are small enough to escape statistical significance for most change until at least several years have passed.

Other limitations are less forgivable, such as overlooking the appropriate data, restrictive use of data, and the like. For example, Bartley-Fox applied only to firearms outside the home or place of business—that is, to carried firearms. Under the circumstances, the location of crime was important, but received little attention from Beha and less from Pierce and Bowers. Both studies recognized that assault-related murder was more targeted than felony-related (except street robbery, etc.) homicide but neither looked to location. And one could not accurately assume that the crimes curtailed were those targeted: street robbery rose between 1974 and 1977 (Rossman: 137–143, Tables 37–39), both overall and as a percentage of Boston robbery, with gun-related street robbery increasing faster than non-gun armed street robbery.

The Pierce-Bowers work—the most deficient study involving Bartley-Fox—is coincidentally the most popular with the media and "gun control" advocates.[9] Its failures include deliberate distortions and limitations on data bases, indifference to the relevance of Bartley-Fox to the crimes studied, clear statistical errors, and public release without caveat with unsubstantiated findings. For example, the customary way of determining crime rates is dividing crime by population. It is possible, however, to find population if the number of crimes and the rate are given. Using the gun crime rates from Pierce-Bowers and the number of gun assaults and robberies from Rossman, however, yields a Boston population falling from about 617,000 to 612,000 from 1974 to 1976 for robbery and rising from about 587,000 to 610,000 for assault. That degree of variance is unacceptable.

The Pierce-Bowers study of armed assault and armed robbery is supposedly based on FBI data collected from 1967 to 1976, for Boston, non-Boston Massachusetts, selected counties, New England states, and various other jurisdictions. Yet, Pierce disregarded any jurisdiction which did not report their crime data consistently to the FBI for the ten-year period, and used armed assault and armed robbery data instead of the more generally used—and more readily verifiable and comparable—aggravated assault and robbery data.

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[9] Professors Pierce and Bowers may have discovered the secret of achieving academic and public reputations without performing high quality work: research a topic, and reach a conclusion acceptable to the academic and media communities' predispositions. Pierce-Bowers simplified the research for the news media without recognizing data limitations or tentativeness of conclusions which must perforce be included in the formal publication. The news media will not read the caveats, and the academic world will not hold scholars responsible for oversimplifications by reporters.

Another person finding the secret toward acceptance without criticism is Ed Jones (Jones) who has defended the D.C. gun law and shown it to be "effective" if only to scholars who eschew any scholarly scepticism in reviewing such articles (Cook). Jones used 1974 and 1978 as comparison years for a law taking effect in February 1977, ignoring a tremendous drop in both non-gun and gun-related homicide in Washington between 1974 and 1976 (Pierce-Bowers: 135). He concluded that there was an improvement in the handgun homicide situation compared to Baltimore's even though his own data showed the number of handgun homicides dropped 46 percent in Baltimore and only 36 percent in Washington.

This intended limitation results in unrepresentative and hence irrelevant crime comparisons. Pierce and Bowers admit, for example, that their sample accounts for only three-fourths of Massachusetts assault (Rossman: 54); they are impervious to the fact that once Boston is taken into account, their non-Boston, Massachusetts data are based on less than half of the state. Indeed, based on differences from published FBI data, the Pierce and Bowers non-Massachusetts control jurisdiction data are even less representative of those jurisdictions as a whole than the Massachusetts data used are of Massachusetts as a whole.[10] Nothing in their longer (Rossman) or shorter (Pierce-Bowers) analysis cautions that their data are limited or makes any effort to account for the unused cities, towns, and counties. And, since the jurisdictions used are not revealed, there is no way to check either their crime data or their population data.

Pierce and Bowers' highly selective use of homicide data is equally flawed. Allegedly for reasons of inconsistent FBI reporting, Pierce and Bowers disregard all jurisdictions used for assault and robbery, and focus only on Boston and selected big cities for the homicide analysis. Had the authors focused on Massachusetts and non-Boston Massachusetts for murder, as for the other violent crimes, the study would show a relatively unchanging murder rate (compared to the rest of the region and its states) or a comparatively increasing murder rate. Just as robbery and assault data did not make Bartley-Fox appear beneficial, the homicide rate would do little to prove the efficacy of Bartley-Fox.

Murder data are the most difficult trends to study given a limited statistical base. This is especially true in new England, where murder is less common an occurrence than in other states, cities and regions. Beha (125–26, 149; Rossman: 201) noted the impossibility of analyzing murder with such a small base and short period of time and instead emphasized assault and robbery. Yet Pierce and Bowers inexplicably decreased their data base by half in analyzing homicide rates to the extent that the use of rates was no longer possible. (Rates automatically require two factors, crime and population, and minimizing the available data base destroyed any pretence of statistical significance using more than one factor.)

Further, the authors did not even analyze the location of the homicides under study. By way of looking for Bartley-Fox relationships, the authors merely separated out felony-related from argument-related homicides. Such an approach is grossly deficient. Yet Pierce and Bowers based their entire analysis on the benefits of Bartley-Fox on their analysis of murder in Boston, rejecting the rest of the state and the relevancy of Bartley-Fox (i.e., carrying) to the Boston murders being considered.

Other errors are largely matters of interpretation. For example, the fact that non-gun homicide fell disproportionately in Boston might suggest that a law directed only at firearms might not be the cause. This was the conclusion reached by Loftin and McDowall. However, Pierce and Bowers (136) view the reduction as showing that gun murders were deterred without being displaced by other weapons. The fact that the data from 1971–72 compared to 1975–76 could indicate a reversion to normal crime following two atypically violent years (1973–74), is simply ignored. And data which did not square with the presumed effects of Bartley-Fox are simply passed over. Pierce and Bowers may have suspected that persons deterred from carrying guns might substitute knives, but they did not pursue the matter when data showed little displacement of gun assault by knife assault. (Rossman: 90–95) They do call it "anomalous," but that falls short of explanation.[11] And they may have expected street robbery to be the kind deterred by Bartley-Fox type legislation, but the rise (absolute and relative) in street robbery is not evaluated.

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[10] For example, the FBI's aggravated assault rate for the Middle Atlantic states—roughly one-fourth of which is normally unarmed—is lower than the armed (aggravated) assault rate reported by Pierce and Bowers (Rossman: 50, table I) for six of the ten years used.

In short, two major studies of the Bartley-Fox law have data limitations which render most conclusions tentative at best. For the most part, Beha and Rossman recognize this problem, Pierce and Bowers do not. And the Pierce and Bowers data limitations make it difficult to accept their conclusions even tentatively. Too much of their study is based on FBI data from parts of jurisdictions which may or may not be representative of the whole; indeed, most of those jurisdictions appear to be unrepresentative. Comparisons of the fluctuations in crime, or of gun use in crime, in unrepresentative segments of different jurisdiction tell us little or nothing about overall crime trends or gun-use trends. Recognizing the difficulties of any comparisons, the following tentative conclusions may be reached about the affects of Bartley-Fox in Boston and the rest of Massachusetts.

Violent crime

Overall, violent crime rose in Massachusetts disproportionately faster than the rest of the region, and Boston crime faster than other large cities. For example, Boston had ranked as the nation's fifth most violent city with over 500,000 population prior to the enactment of Bartley-Fox, but rose to first place in 1980; Massachusetts rose from 19th most violent state to 12th nationwide. Conversely, most states with mandatory penalties for using guns to commit violent crimes saw either relatively slow rates of violent crime increase, or actual decreases in violent crime.

Interestingly, at least one Massachusetts city refused to use Bartley-Fox (Rossman: 266). Springfield simply stopped charging persons with unlicensed carrying, instead using possession charges under which as severe penalties could—but need not—be imposed. Violent crime rose in Springfield, but not as fast as in Boston; Boston, of course, used Bartley-Fox.

The murder rates are the least conducive for short-term analysis, Beha (129–30) and Deutsch noted the impossibility of soon, if ever, being able to attribute any murder trends to Bartley-Fox. Pierce and Bowers similarly recognize the limitation but nonetheless based their support for Bartley-Fox almost solely on its alleged impact on murder.

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[11] Although both Beha (146) and Pierce-Bowers noted the absence of the expected shift to knives, neither sought data on knife substitution either from interviews with inmates or police. Nor [illegible] look for trends in police seizures and/or arrests for carrying knives or other weapons from pre- to post-Bartley-Fox. The studies assumed knives would be substituted if "casual availability" of guns decreased, assumed that decrease had occurred—both on the street and in areas not covered by Bartley-Fox (Beha: 155)—and showed no particular interest in investigating the "anomalous" situation. Nor did Pierce and Bowers look at knife-use trends outside of Massachusetts.

Beha (133–34) and Rossman (161–65), suspected that reduction in murder attributed to Bartley-Fox may have occurred more as a result of unusually high rates of murder in 1973 and 1974, and post-Bartley-Fox murder drop simply indicated a regression to the mean.[12] Comparing 1971–72 with 1975–76, the data would indicate that was precisely what occurred. (Rossman: 152–62, Tables 40–45). Murder fell 8 percent in Boston, but 14 percent in the comparison cities of the Middle Atlantic, with gun homicides down 18 percent and 19 percent respectively. The drop was slightly greater for assault-precipitated gun homicide in Boston than in the comparison cities, but not significantly—and the restriction itself renders comparisons suspect. Reversion to the norm is similarly indicated in the gun assault data as well (Rossman: 50–53, Tables 1–4).

Overall, the period since 1974 has seen murder in Massachusetts generally simply reflect regional murder trends, dropping insignifcantly in Massachusetts compared to other states. In short, there is no trend in homicide which can reasonably be attributed to Bartley-Fox, and any attempts to draw conclusions are deceptive.

Robbery and aggravated assault provide more statistical data, and somewhat curious trends. Aggravated assault with a gun, for example, fell dramatically during the first part of 1975 (the first year of Bartley-Fox), with the drop coming before the law took effect; gun related robbery, on the other hand, fell briefly in 1976 and rose again by 1977. It is difficult to find any satisfactory explanation for this phenomenon.[13]

Ironically, commercial robbery decreased (Rossman: 139–41, Tables 37–39), while street robbery increased, particularly street robbery with a gun. Bartley-Fox was not expected to affect commercial robbery, since the commercial establishments could still use guns (legally or illegally owned) for protection without facing a mandatory penalty. In addition, commercial robbery is more planned than street robbery and no one expected the one-year mandatory penalty to deter persons willing to risk sentencing for robbery.

Trends in unarmed robbery or muggings in Boston are equally ambiguous. Between 1974 and 1977, the number of gun robberies decreased 34 percent and other armed robbery 8 percent, but the number of unarmed robberies fell 21 percent. Unarmed robbery is more likely than armed robbery to be street robbery as opposed to commercial (Cook: 74), yet unarmed robbery fell substantially at a time when street robbery (armed with or without a gun), was increasing. Why would Boston's unarmed robbery fall so much faster? Faster even than other cities' drops in gun and non-gun armed robberies (Pierce-Bowers: 133)? Relatively speaking, it looks as if previously unarmed Boston robbers were turning from muggings to the use of weapons other than guns.

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[12] Non-felony murder was unusually high in 1973, felony-related murder in 1974. Robbery and aggravated assault were also rising in Massachusetts and Boston disproportionate to the rest of New England during those years. (Beha : 131)

[13] It was suggested that perhaps robbers were waiting to see how Bartley-Fox was being enforced. But a mandatory penalty for carrying should not discourage robbers, who will normally be sentenced to well over a year anyway. As Beha noted (174–75, 199 n. 159), the more serious the offense, the greater the likelihood that one year mandatory will not add to it. Three-fourths of those in state prisons were there for violent crimes, serving six-year sentences with minimum two-year terms. A concurrent mandatory one-year would not affect that. (See Loftin-McDowall.)

Bartley-Fox should, in theory, decrease the number of gun assaults by persons carrying unlawfully, since the one-year penalty did mark a substantial increase in the likely sentence. And Bartley-Fox could more readily be applied to gun-assault charges than to gun-robbery charges. (If only one-fifth of gun-robbery charges could include Bartley-Fox and one-fourth of all gun-related violent crimes, then such charges could probably be brought against 40–50 percent of gun-related assault charges.) "Whether such penalties should be imposed is a separate question." (Beha : 175)

If robbers were using guns in 1975, waiting to see how Bartley-Fox would affect them before turning to other weapons, it is hard to explain gun-related robbery then dropping in 1976.

After Bartley-Fox, then, the robbery rate remained unaffected, with a slight decline in gun use in the robberies least likely to be impacted by a mandatory penalty for carrying a gun. Pierce and Bowers (Rossman: Section 2; Pierce-Bowers) find no overall impact of Bartley-Fox on robbery; neither they nor Beha (139–40) really expected any impact. Any displacement from guns to other weapons appeared to be short term. Neither the Harvard nor the Boston University study was concerned about the fact that non-gun robberies are more likely to result in injury than gun-related robberies. Any impact on robbery-related murder is virtually impossible to measure. Rossman (162, Table 45), shows an increase relative to the 1971–72 period and a decrease relative to 1973–74. Little, however, can be derived from these insignificant numbers. Furthermore, the figures are for felony-related murder, much of which, but not all of which, involves robbery. More detailed data over a longer period of time would be necessary to measure an impact on robbery-related murder than on murder overall.

The Bartley-Fox law was allegedly devised to discourage aggravated assault on the street on the assumption that gun assaults are more dangerous than non-gun aggravated assault. Again, since the studies generally ignore the fact that injury is more likely to result from non-gun than from gun-related aggravated assault, Bartley-Fox is deemed beneficial while causing a dramatic increase in armed assault. More insightful scholars would have studied data on assault-injury rate trends to evaluate the effects of Bartley-Fox on decreasing, or more likely increasing, the assault injury rate.

The deterrent effect (reducing gun use) was more than made up for by the displacement effect (substituting other weapons), especially in Boston. Gun assaults decreased more outside than in Boston (Rossman: 51, 68, Tables 2 and 8) and the greatest reduction occurred before Bartley-Fox took effect. Yet (a) some of the areas outside Boston announced they were not going to use Bartley-Fox, at least not so much as Boston itself, and (b) obtaining a license to carry is generally easier in non-Boston Massachusetts than in Boston.

Assault, one of the crimes most targeted by Bartley-Fox, rose substantially once that law took effect, and increased more in Boston than in the rest of the state or than in comparable jurisdictions. Given the dramatic rise in overall violent crime, it is difficult to view the law as of tremendous, or of any, benefit to the citizens of the Bay State. In short, an increase in assault might have been predicted and proven acceptable if Bartley-Fox could reduce the amount of assault-related murder. So far, however, that reduction has not occurred—or at least has not been shown to have occurred. And non-fatal injuries from assault almost certainly increased if other weapons, or no weapons, were substituted for guns. (Rossman: 192; "Myths")

Police, prosecutors, courts, sentences

The impact of Bartley-Fox on the criminal justice system has been little and not beneficial. About the same number of persons were sentenced for the illegal carrying of firearms as before, and the number—emphasizing Boston in the Rossman study—was small.

Police apparently were less likely to frisk persons than before to avoid apprehending peaceful citizen for violating the law (Rossman: 213–214). And police were more likely to seize guns—especially in the home—without arrest; Rossman suggests some "found" guns may also have been seizures without arrest (218–19). And police tend to charge persons with a nonmandatory possession charge rather than Bartley-Fox. (Rossman: 290)

Neither the Harvard nor the Boston University study found any increase in arrests of blacks under Bartley-Fox, nor a tendency to charge blacks more than whites with carrying instead of possession violations. On the other hand, both give data showing that blacks are disproportionately arrested and charged. Blacks comprise about 20 percent of the population, yet they account for 50–60 percent of the arrests both before and after the enactment of Bartley-Fox. (Beha: A–31; Rossman: 301)

Although supporters of Bartley-Fox hoped that the mandatory sentence for carrying would be added to charges against gun-wielding criminals who committed a violent crime, that rarely occurs. Similarly, most carrying charges are not related to commission of a violent crime. (Beha: 41) Beha (46) found Bartley-Fox charges could only be brought against one-fifth of robbers using guns; Rossman (294) found an even lower 15 percent of gun-related robbers against whom Bartley-Fox charges could be brought.[14] Perhaps worse, the likelihood of dismissal, acquittal, or appeal increased (relative to pre-Bartley-Fox years) when charges of serious felony were joined with carrying violation charges (Rossman: 378–80).

In general, Bartley-Fox increased the burdens on the courts when carrying charges were brought. (Beha: xiii, 49, 63-64, 163, 172–73) The time between arrest and final disposition expanded. (Beha: 172–75) Cases were harder to prove. "A high proportion of Bartley-Fox cases foundered on evidentiary shoals." (Beha: 171) Before Bartley-Fox, 31 percent of those charged with carrying were convicted but did not appeal; that percentage fell to 5 percent in 1975 and 2 percent in 1976. The percentage of those charged who were convicted and then appealed rose from 8 percent to 29 percent to 32 percent. (Rossman: 352–54) The number of appeals was 2–3 times higher in 1975 and 1976 than in 1974. (Rossman: 386) And it must be noted that appeal in Massachusetts is not a riskless affair. The illegal carrying of firearms may be sentenced by mandatory one-year jail term, but it can be punished by up to 2½ years; appealing for trial *de novo* technically risks a longer sentence upon conviction. More persons were charged for carrying prior to Bartley-Fox—the number sentenced fell from 109 to 50 to 26 in Boston during the 1974–76 period. (Rossman, 352–54) And the number receiving a jail sentence remained almost unchanged, save for a 1975 spurt,[15] with 25 in 1974 and 23 in 1976 (Rossman: 357). Prior to Bartley-Fox, however, certain persons not jailed remained under the supervision of the court; that can no longer be the case where sentences cannot be suspensed (Rossman: 360).

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[14] Even where guns were found during drug busts, only possession charges were justified, not carrying charges (Bartley-Fox). (Beha : 52)

[15] The 1975 spurt is due in large part to the fact that 20 sentences that year were either longer than one year or concurrent with longer sentences. (Rossman : 366)

At the superior court level—where appeals were taken for new trials—the situation was the same. More acquittals and pleas to lesser charges, a greater tendency of judges to be more sympathetic to the legal and extra-legal charges of the defense attorneys, resulted in an actual decrease in the number of persons found guilty or pleading guilty to carrying violations and sentenced as such (not concurrent with a longer term), from 17 in 1974 to 13 in 1976 (Rossman: 391–93, 408).

That approximately the same number of persons were sentenced to jail after Bartley-Fox as before may actually indicate that carrying laws were used less on violent career criminals than before the law took effect. The number of persons without records, or without serious records, increased after Bartley-Fox (Beha: 69). If the percentage convicted similarly rose, then Bartley-Fox had the net effect of jailing fewer career criminals on carrying charges than prior to the law. Perhaps criminals were using guns more after 1976 because they had learned that Bartley-Fox was a greater threat to their potential victims—disarming them for safer street robberies—than to the violent criminals themselves. If Massachusetts simply disarmed potential victims, or led to their arrest on gun charges (Beha: 69), it would explain—as the Rossman study fails to—the otherwise inexplicable increased criminal preference for street robbery.

In conclusion, these "studies" on the exemplary "mandatory penalty for carrying" law show that the Bartley-Fox law does not reduce the amount of violent crime, or affect robbery or affect the murder rate. It seems only to increase the number of, and likelihood of injury from, aggravated assaults, and to lessen the threat of the criminal justice system to career criminals. The number arrested, charged, convicted, and sentenced remained too small—estimates put the number for two years from Boston at 40 persons, during which time over 20,000 violent crimes were committed—to have an impact on the crime, criminal carrying, or most casual carrying. Laws enforceable largely by fluke cannot effectively play a large role in the repertoire of effective modern law enforcement. The alternative, a proactive gun law enforcement effort limiting Fourth Amendment protections, should not play a role in American law enforcement.

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2. THE EFFECT OF GUN AVAILABILITY ON VIOLENT CRIME PATTERNS

(By Philip J. Cook)*

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Abstract.—*Social scientists have started to find answers to some of the questions raised in the ongoing debate over gun control. The basic factual issue in this debate concerns the effect of gun availability on the distribution, seriousness, and number of violent crimes. Some evidence is available on each of these dimensions of the violent crime problem. The distribution of violent crimes among different types of victims is governed in part by the "vulnerability pattern" in weapon choice. The seriousness of robbery and assault incidents is influenced by weapon type, as indicated by the objective dangerousness and instrumental violence pattern. A reduction in gun availability would cause some weapon substitution and probably little change in overall robbery and assault rates—but the homicide rate would be reduced.*

The debate over the appropriate degree of governmental regulation of firearms has been a prominent feature of the political landscape for the last two decades. The claims and counterclaims for various gun control strategies have been bruited in congressional and state legislative hearings, political campaigns, editorials, and bumper strips. The issues are by this time familiar to even disinterested by-standers: the proper interpretation of the Second Amendment; the value of guns as a means of defense against burglars, or foreign invaders, or local tyrants; the difficulty of depriving criminals of guns without depriving the rest of us of basic rights; and so forth. This "great American gun war" [1] clearly involves both value questions and questions of fact, and the latter have been the subject of numerous statistical skirmishes. Strangely, however, the relevant factual questions have not attracted much attention from scholars until very recently. The role of guns—and other types of weapons—in violent crime is a fit and important subject for scientific inquiry. No etiological theory of violent crime is complete without due consideration of the technology of violent crime. This would be true even in the absence of political interest in gun control.

Each of the major categories of violent crime—criminal homicide, aggravated assault, robbery, and rape—is committed with a variety of weapons. Guns are used in a minority of violent crimes, but are of special concern because they are used in almost two thirds of the most serious events, criminal homicides, and because, unlike most other commonly used weapons (hands, kitchen knives, and baseball bats), it is conceivable that we might reduce the availability of guns without imposing unacceptable costs on the public. The principal factual question in the gun control debate is whether reducing gun availability would reduce the amount and/or seriousness of violent crime. Can potential violent criminals be deterred from obtaining guns, carrying guns, and using guns in crime? If so, will this reduction in gun use make any difference, or will criminals simply substitute other weapons to equal effect? The answers to these questions are crucial to policy evaluation. Our ability to answer these questions—to make accurate predictions about the effects of legal interventions in this area—is one measure of our scientific understanding of the role of weapons in violent crime.

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[1] A phrase coined by B. Bruce-Briggs, "The Great American Gun War," The Public Interest, 45:1–26 (fall 1976).

At the sacrifice of some dramatic tension, I provide a preview of my results here. The type of weapon used in a violent crime is in part determined by the nature of the victim; guns are most likely to be used against the least vulnerable victims in robbery and homicide. The type of weapon used in a violent crime influences the outcome of the crime: gun robberies, when compared with other types of robbery, are more likely to be successful, less likely to result in injury to the victim, and more likely to result in the victim's death; gun assaults are more likely to result in the victim's death than knife assaults, *ceteris paribus.* A general increase in gun availability would probably have little effect on the overall robbery rate, but would increase the homicide rate, including the rate of robbery murder, and possibly reduce the number of aggravated assaults. These and other predictions emerge from the empirical results presented here. My overall conclusion is that the technology of violent crime matters a great deal in a number of dimensions, with important implications for the gun control debate.

The basic issues

Gun control measures come in a variety of forms, but most share the objective of reducing the availability of guns for use in violent crime. Most federal and state gun regulations in the United States are moderate interventions intended to reduce criminal use while preserving the majority's access to guns for legitimate uses.[2] Washington, D.C., and New York City have adopted a much broader attack on the handgun problem, with a ban on sales to all but a few people. Whether the regulations are moderate or extreme, some opponents of gun control insist that a regulatory approach will be ineffective in reducing criminal violence. Their position is summarized in two bumper strips: "When guns are outlawed, only outlaws will have guns," and "Guns don't kill people—people kill people." The former suggests that "outlaws" will acquire guns, despite whatever steps are taken to stop them, that is, that criminals will continue to do what is necessary to obtain guns, even if the price, hassle, and legal threats associated with obtaining a gun are increased substantially. The latter bumper strip apparently is meant to suggest that people who decide to kill will find a way even if they do not have access to guns. This is one aspect of a more general issue, the degree of "substitutibility" between guns and other weapons in homicide and other violent crimes. In short, does the type of weapon matter?

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[2] For a summary of federal and state gun control measures, see my article, with James Blose, in this issue.

Supposing that we were somehow successful in discouraging some violent people from obtaining guns and using them in crime, how might violent crime patterns change? Three dimensions of the violent crime problems are important: (1) the *distribution* of robberies, aggravated assaults, rapes, and homicides across different types of victims, for example, commercial versus noncommercial robbery; (2) the *seriousness* of robberies, rapes, and aggravated assaults; and (3) the overall *rates* of each of these crimes. These three dimensions are considered in turn in the next three sections.[3]

Distribution: the vulnerability pattern

People who attempt robbery or homicide are more likely to succeed with a gun than with other commonly used weapons. A gun is particularly valuable against victims who are physically strong, armed, or otherwise relatively invulnerable—the gun is "the great equalizer." The patterns of weapon use in criminal homicide and robbery demonstrate that perpetrators are most likely to use guns against victims who would have the best chance of defending themselves against other weapons; that is, the likelihood of a gun being chosen by a robber or killer increases with the value of a gun in effecting a successful completion of the crime. These observations suggest that a program that is successful in reducing the rate of gun ownership by potential robbers or killers will change the relative distribution of these crimes among different types of victims. The evidence and implications of the vulnerability pattern are presented in the following sections, beginning with criminal homicide.

Criminal homicide

A decision to kill is easier and safer to implement with a gun than with other commonly available weapons—there is less danger of effective victim resistance during the attack, and the killing can be accomplished more quickly and impersonally, with less sustained effort than is usually required with a knife or blunt object. A gun has greatest value against relatively invulnerable victims, and the vulnerability of the victim appears to be an important factor in determining the probability that a gun will be used as the murder weapon.

The least vulnerable victims are those who are guarded or armed. All presidential assassinations in U.S. history were committed with a handgun or rifle. Almost all law enforcement officers who have been murdered in recent years were shot: in 1978, 91 of 93 murdered officers were killed by guns.[4]

Physical size and strength are also components of vulnerability. In 1977, 68.5 percent of male homicide victims were shot, compared with only 51.0 percent of female homicide victims.[5] The victims' age pattern of gun use also reflects the vulnerability pattern: about 70 percent of victims aged 20–44 are shot, but this fraction drops off rapidly for younger and older—that is, more vulnerable—victims.[6]

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[3] I am indebted to Mark Moore for this approach to carving up the violent crime problem. In the review that follows I omit any discussion of rape, since relevant empirical studies are lacking for this crime.

[4] FBI, "Crime in the United States, 1978" (Washington, D.C.: U.S. Government Printing Office).

[5] U.S. Department of Commerce, Bureau of the Census, "Statistical Abstract of the U.S., 1978" (Washington, D.C.: U.S. Government Printing Office).

[6] FBI.

Vulnerability is of course a relative matter. We would expect that the lethality of the murder weapons would be directly related to the difference in physical strength between the victim and killer, other things being equal. To investigate this hypothesis, I used FBI data coded from the supplemental homicide reports submitted for 1976 and 1977 by police departments in 50 large cities. These data include the demographic characteristics of the victim and, where known, the offender, as well as the murder weapon, immediate circumstances, and apparent motive of the crime. The results calculated from these data tend to confirm the relative vulnerability hypothesis. First, women tend to use more lethal weapons to kill their spouses than do men: 97 percent of the women, but only 78 percent of the men, used a gun or knife. The gun fractions in spouse killings are 67 percent and 62 percent, respectively—not a large difference, but one that is notable, since women typically have less experience than men in handling guns and are less likely to think of any guns kept in the home as their personal property. It is also true that women who kill their "boyfriends" are more likely to use a gun than men who kill their "girlfriends."

TABLE 1.—GUN USE IN MURDERS AND NONNEGLIGENT HOMICIDES RESULTING FROM ARGUMENTS OR BRAWLS, MALE VICTIM AND MALE OFFENDER

Victim's age	Offender's age		
	18 to 39	40 to 59	60 plus
18 to 39 (in percentage)	68.0	79.6	87.2
N[1]	1,906	368	47
40 to 59 (in percentage)	54.5	64.1	66.7
N	398	245	57
60 plus (in percentage)	48.3	49.2	63.3
N	58	61	30

[1] N= the sample size, that is, the denominator of the fraction. Cases in which the age of the killer is not known are excluded.

Source: FBI Supplemental Homicide Reports, 50 large cities, 1976 and 1977 combined (unpublished).

Table 1 focuses on killings resulting from arguments and brawls in which both the killer and the victim were males. The gun fraction increases with the age of the killer and is inversely related to the age of the victim: the highest gun fraction—87 percent—involves elderly killers and youthful victims; the lowest gun fraction—48 percent—involves youthful killers and elderly victims. Since age is highly correlated with strength and robustness, these results offer strong support for the relative vulnerability hypothesis.

Why are less vulnerable murder victims more likely to be shot than relatively vulnerable victims? A natural interpretation of this result is that intended victims who are physically strong or armed in some fashion are better able to defend themselves against homicidal assault than more vulnerable victims—unless the assailant uses a gun, the "great equalizer." The "vulnerability pattern" can then be explained as resulting from some combination of three mechanisms. (1) Homicidal attacks are more likely to fail against strong victims than weak ones, and the difference in the likelihood of failure is greater for nongun attacks than attacks with a gun. (2) The likelihood that an individual will act on a homicidal impulse depends in part on the perceived probability of success. The intended victim's ability to defend himself acts as a deterrent to would-be killers—but this deterrent is much weaker if the killer has a gun than otherwise. (3) In the case of a planned murder, the killer will have the opportunity to equip himself with a tool that is adequate for the task. Against well-defended victims, the tool chosen will almost certainly be a gun, if one can be obtained without too much difficulty.

Each of these mechanisms is compatible with the prediction that a reduction in gun availability will cause a reduction in homicide, a reduction that will be concentrated on killings that involve a victim who is physically stronger than the killer. A number of specific hypotheses are suggested by this observation, including the following: a reduction in gun availability will reduce the male:female victimization ratio in killings of spouses and other intimates, victims who are youthful males, and reduce the fraction of killers who are elderly.

Robbery

Robbery is defined as theft or attempted theft by means of force or the threat of violence.[7] The robber's essential task is to overcome through intimidation or force the victim's natural tendency to resist parting with his valuables. A variety of techniques for accomplishing this task are used in robbery, including actual attack—as in "muggings" and "yokings"—and the threatening display of a weapon such as a gun, knife, or club. Whatever the means employed, the objective is to quickly gain the victim's compliance or to render him helpless, thereby preventing the victim from escaping, summoning help, or struggling. The amount of what could be called "power"—capability of generating lethal force—the robber needs to achieve these objectives with high probability depends on the characteristics of the robbery target—victim—and in particular on the vulnerability of the target. The most vulnerable targets are people who are young, elderly, or otherwise physically weak or disabled—for example, by alcohol—who are alone and without means of escape. The least vulnerable targets are commercial places, especially where there are several customers and clerks and possibly even armed guards—a bank being one extreme example.

A gun is the most effective tool for enhancing the robber's power. Unlike other common weapons, a gun gives a robber the capacity to threaten deadly harm from a distance, thus allowing him to maintain a buffer zone between himself and the victim and to control several victims simultaneously. A gun serves to preempt any rational victim's inclination to flee or resist.[8] Wesley Skogan documented the effectiveness of a gun in forestalling victim resistance in his analysis of a national sample of victim-reported robberies:[9] only 8 percent of gun robbery victims resisted physically in noncommercial robberies, compared with about 15 percent of victims in noncommercial robberies involving other weapons.[10] Other types of resistance—arguing, screaming, and fleeing—were also less common in gun robbery than in robbery involving other weapons.

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[7] The perspective of this section was first developed in John Conklin's seminal work on robbery in Boston: "Robbery and the Criminal Justice System" (Philadelphia: J. B. Lippincott, 1972).

[8] Ibid., pp. 110–11; Conklin analyzes a gun's usefulness in terms of the ability it provides the robber to (1) maintain a buffer zone; (2) intimidate the victim; (3) make good the threat, if necessary; and (4) ensure escape.

It seems reasonable to assume that, from the robber's viewpoint, the value of employing a gun tends to be inversely related to the vulnerability of the target. A gun will cause a greater increase in the likelihood of success against well-defended targets than against more vulnerable targets. A strong-arm technique will be adequate against an elderly woman walking alone on the street—a gun would be redundant with such a victim—but a gun is virtually a requirement of successful bank robbery. Skogan provides evidence supporting this claim: he finds little relationship between robbery success rates and weapon type for personal robbery, but a very strong relationship for commercial robbery. He reports that success rates in commercial robbery were 94 percent with a gun, 65 percent with a knife, and 48 percent with other weapons.[11]

In economic terms, we can characterize robbery as a production process with weapons, robbers, and a target as "inputs." [12] The "output" of the production process can be defined as the probability of success. This probability increases with the number and skill of the robbers, the vulnerability of the target, and the lethal effect of the weapons. For given robber and target characteristics, the "marginal product" of a gun can be defined as the increase in probability of success if the robber(s) substitute a gun for, say, a knife. The evidence presented in the preceding paragraphs suggests that the marginal product of a gun is small against vulnerable targets and is relatively large against well-defended targets. We can go one step further and define the "value of a gun's marginal product" as its marginal product (increase in success probability) multiplied by the amount of loot if the robbery is successful. Since for obvious reasons, targets with greater potential loot tend to be better defended against robbery,[13] the value of the gun's marginal product is even more strongly related to target vulnerability than is the marginal product of the gun. The conclusion can be put in the form of a proposition:

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[9] Wesley Skogan, "Weapon Use in Robbery: Patterns and Policy Implications," unpublished manuscript (Northwestern University: Center for Urban Affairs, 1978). He used the robbery incident reports collected from the National Crime Panel, which occurred during calendar year 1973. It should be noted that any analysis of victim survey data relies on the victim's impression of the nature of the weapon that was employed in the robbery. In some cases the "gun" may be a toy, or simulated; Floyd Feeney and Adrianne Weir ["The Prevention and Control of Robbery: A Summary," unpublished manuscript (University of California, Davis: Center on Admin. of Criminal Justice, 1974)] report that of 58 "gun" robbers interviewed in Oakland, 3 claimed to have used toys and 4 to have simulated the possession of a gun.

[10] Richard Block ["Violent Crime" (Lexington, MA: Lexington Books, 1977)] found from studying robbery police reports in Chicago that victims who resisted with physical force typically (68 percent) did so in response to the robber's use of force. Other types of resistance typically (70 percent) preceded the robber's use of force.

[11] Skogan.

[12] This perspective is further developed in Philip J. Cook, "The Effect of Gun Availability on Robbery and Robbery Murder: A Cross Section Study of Fifty Cities," in Policy Studies Review Annual, eds. Robert H. Haveman and B. Bruce Zellner, vol. 3 (Beverly Hills, CA: Sage, 1979), pp. 752–53 (hereafter cited as "The Effect of Gun Availability").

[13] It is obvious that commercial targets tend to be more lucrative than noncommercial and that a group of two or more victims will be more lucrative on the average than a single victim. Feeney and Weir (p. 24) report the not-so-obvious result that robberies of male victims resulted in a much higher median take ($50) than robberies of female victims (less than $20).

The economic value of a gun in robbery tends to be greatest against commercial targets and other well-defended targets, and least against highly vulnerable targets. It makes good economic sense, then, for gun use in robbery to be closely related to target vulnerability. This is indeed the case, as demonstrated in Table 2, which is based on tabulating results of more than 12,000 robbery reports taken from victim survey data gathered in 26 large cities.

TABLE 2.—DISTRIBUTION OF ROBBERIES

[In percentage]

	Gun	Knife or other weapon	Unarmed
All robberies across locations:			
Commercial	55.1	13.3	19.1
Residence	6.4	10.4	8.5
Street, vehicle, and so forth	38.5	76.3	72.4
Total	100.0	100.0	100.0
Street robberies by victim characteristics:			
Male victim age 16 to 54	59.8	53.8	41.1
2 or more victims	10.5	5.8	3.7
All others (young, elderly, and/or female victim)	29.7	40.4	55.2
Total	100.0	100.0	100.0

Source: Adapted from Philip J. Cook, "Reducing Injury and Death Rates in Robbery," p. 43. © 1980 by the Regents of the University of California. Reprinted from "Policy Analysis," vol. 6, No. 1 (winter 1980), by permission of the regents. The distributions are calculated from National Crime Panel victimization survey data of 26 cities.

Note: All incidents involved at least 1 male robber age 18 or over. Entries in the table reflect survey sampling weights.

From Table 2, we see that 55 percent of gun robberies committed by adults, but only 13 percent of other adult armed robberies, involve commercial targets. Those relatively few gun robberies that were committed against people on the street are concentrated on relatively invulnerable targets—groups of two or more victims or prime-age males—while street robbery with other weapons was more likely to involve women, children, and elderly victims. Skogan provides further detail for commercial robberies, reporting that the likelihood that a gun is present in such robberies is only 44 percent for commercial places that have only one employee, but 68 percent for commercial places with two or more employees.[14]

What is the causal process that produces these patterns in gun robbery? There are two plausible explanations, both compatible with the evidence presented in the preceding paragraphs: (1) robbers who aspire to well-defended, lucrative targets equip themselves with a gun in order to increase their chance of success or (2) robbers who happen to have a gun are more tempted to rob lucrative, well-defended targets than robbers who lack this tool. In short, the question is whether the weapon is chosen to suit the task or, rather, the available weapon helps define the task. There is doubtless some truth in both explanations.

The first explanation suggests that the observed relationship between gun use and target choice is the result of differences between the kinds of people that rob lucrative targets and those who commit relatively petty street robberies—a difference reminiscent of John

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[14] Ibid., calculated from figures in his table 3.

Conklin's distinction between "professionals" and "opportunities."[15] Victim survey evidence does suggest that gun robbers as a group have more of the earmarks of professionalism than other armed robbers: besides the fact that they make bigger "scores," gun robbers are older, less likely to rob acquaintances, and less likely to work in large groups of three or more. The factors that determine a robber's choice of weapon have some tendency to persist: a cohort of adult men arrested for gun robbery in the District of Columbia showed a greater propensity to use guns in subsequent robberies than the corresponding cohort of nongun robberies arrestees.[16]

It seems reasonable to hypothesize, then, that robbers who engage in planning and who seek out big scores will take pains to equip themselves with the appropriate weapon—usually some type of firearm. The frequency with which other less professional robbers use guns, and hence the kinds of targets they choose, may be more sensitive to the extent to which such people have access to guns and are in the habit of carrying them, for whatever reason. Increased availability of guns may then result in some target switching by this group—substitution of more lucrative, better-defended targets for more vulnerable targets. Increased gun availability may also result in weapon substitution for a given type of target, implying an increase in the fraction of street robberies committed with a gun; that is, guns will be put to less valuable uses, as guns become "cheaper." These hypotheses can be stated more precisely as follows:

An increase in gun availability in a city will (1) increase the fraction of noncommercial robberies committed with a gun and (2) increase the fraction of robberies committed against commercial and other well-defended targets.

In an earlier study of robbery patterns across 50 cities,[17] I found some confirmation for the first of these two predictions; controlling for other robbery-related variables, the fraction of robberies committed with a gun increases with the density of gun ownership in a city. A 10 percent increase in the fraction of households that owns guns is associated with approximately a 5 percent increase in the rate of gun robbery.

Conclusions

The preceding evidence demonstrates the existence of an important vulnerability pattern in weapon choice in homicide and robbery. Guns give assailants the power to succeed in killing or robbing relatively invulnerable victims who would have a good chance of fending off attack with a less lethal weapon. If some potential killers were deprived of guns, the criminal homicide rate would be reduced. The reduction would be concentrated among the least vulnerable types of potential victims—law enforcement officers, people with bodyguards, husbands of homicidal women, youthful men, and so forth. If robbers were deprived of guns, there would be a reduction in robberies against commercial places and other well-defended victims. In general, a reduction in gun availability would change the distribution of violent crimes, with greater concentration on vulnerable victims.

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[15] Ibid.

[16] Philip J. Cook and Daniel Nagin, "*Does the Weapon Matter?*" (Washington, D.C.: Institute for Law and Social Research, 1979). The results cited here are based on 541 adult male gun robbery arrestees and 761 nongun robbery arrestees. This cohort, which was arrested in 1973, was tracked through 1976 through Prosecutor's Management Information System (PROMIS). The robbery rearrest rate for the gun cohort was 43 percent, of which 58 percent were gun robberies. The robbery re-arrest rate for the nongun cohort was 45 percent, of which 40 percent were gun robberies. The two cohorts had the same re-arrest rate for burglary (13 percent), but the nongun cohort was much more likely to be re-arrested for assaultive crimes (22 percent, as opposed to 13 percent for the gun cohort); see Table 9 of Cook and Nagin.

[17] Cook, "The Effect of Gun Availability."

Seriousness: the objective dangerousness pattern

Recall that I am concerned with three dimensions of violent crime: the distribution, the seriousness, and the number of incidents. The vulnerability pattern suggests that gun availability will in certain respects influence the distribution of robberies and homicides across different categories of victims. I now turn to the seriousness dimension of violent crime. "Seriousness" in this discussion will be defined as the degree of injury to the victim. A violent or potentially violent confrontation, as in robbery, rape, or assault, can result in a range of possible outcomes, from no physical harm up to serious injury or death of the victim. The likelihood that the victim will be killed is influenced by the lethal effects of the weapon used by the perpetrator. The evidence on this "objective dangerousness" pattern is presented first for serious assaults, and subsequently for robbery.

Serious assaults

The fraction of serious gun assaults that result in the victim's death is much higher than for assaults with other weapons. Richard Block, for example, found that of all aggravated assaults resulting in injury to the victim—and reported to the Chicago Police—14 percent of the gun cases, but only 4 percent of the knife cases, resulted in the victim's death.[18] In part, this difference is the result of differences between gun and knife attacks in intent and capability. An assailant who intends to kill his victim, and who has some chance to prepare, is more likely to equip himself with a gun than an assailant who merely intends to hurt his victim. Furthermore, an attack that is intended to kill is more likely to be successful if perpetrated with a gun than with a knife or other weapon—especially against victims who are capable of defending themselves. But differences in intent and capability are not the whole story.

Franklin Zimring has demonstrated that a large proportion of murders are similar to serious assaults in that the attacks are unsustained[19]—the assailant does not administer the coup de grace, the blow that would insure the death of his victim. Indeed, the victim was shot only once in about two thirds of the gun homicides in Zimring's Chicago samples. These cases differ very little from serious assaults: for every death resulting from a single wound in the head or chest, Zimring found 1.8 victims with the same type of wound who did not die[20]—victims who were clearly not saved by any differences in the gunman's intent or capability, but rather just by good luck with respect to the precise location of the wound.

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[18] Ibid., p. 33.

[19] Franklin Zimring, "The Medium is the Message: Firearm Calibre as a Determinant of Death From Assault," *J. Legal Studies*, I(1): 97–124 (Jan. 1972); and idem, "Is Gun Control Likely to Reduce Violent Killings–" *Univ. Chicago Law Review*, 35:721–37 (1967).

[20] Ibid., computed from Table 7, p. 104.

Evidently, some proportion of gun murders are not the result of a clear intent to kill; given that the majority of murders are the immediate result of altercations, often involving alcohol and rarely much thought, it seems unlikely that many killers have any clearly formulated "intent" at the time of their attack. The assailant's mental state is characterized by an impulse—to punish, avenge an insult, or stop a verbal or physical attack—backed by more or less cathexis. The immediate availability of a gun makes these circumstances more dangerous than would a less lethal weapon because an unsustained attack with a gun—a single shot—is more likely to kill than an unsustained attack with another weapon.

Zimring buttressed the conclusions from his first study, which compared knife and gun attacks, with a later study comparing large and small caliber gun attacks. Even after controlling for the number and location of wounds, he found that .38 caliber attacks were more than twice as likely to kill as .22 caliber attacks.[21] It appears, then, that weapon dangerousness has a substantial independent impact on the death rate from serious assaults.

Zimring's seminal work in this area supports several important propositions, including:

1. A restrictive gun control policy that causes knives and clubs to be substituted for guns will reduce the death rate in serious assault.
2. A gun control policy that focuses on handguns may increase the death rate from gun assault if shotguns and rifles are substituted for handguns as a result.[22]
3. In setting prosecution and sentencing priorities for aggravated assault cases, gun assaults should be viewed as more serious than assaults with other weapons, *ceteris paribus*, since there is a higher probability of the victim's dying in the gun assaults. This is Zimring's "objective dangerousness" doctrine.[23]

Richard Block extended Zimring's work on instrumentality by comparing death rates in aggravated assault and robbery cases. He concludes that "the relative fatality of different weapons in violent crime may be a technological invariant . . . the probability of death given injury and a particular weapon remains relatively constant and unrelated to the type of crime committed." [24]

The notion that the number of deaths per 100 injuries is a "technical" constant, largely determined by the lethality of the weapon, is not supportable, however. Zimring demonstrated that the type of weapon was one important determinant of the outcome of serious attacks, but did not claim it was the only determinant. Presumably the weapon-specific death rates in such attacks will differ across jurisdictions and vary over time depending on the mix of circumstances, the quality of medical care, and so forth. Arthur Swersey presents an interesting case in point.[25]

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[21] Ibid., 1972.

[22] The implication has been pointed out by Gary Kleck, "The Assumptions of Gun Control" (Florida State University, 1980) (unpublished).

[23] "In the generality of cases, how likely is it that conduct such as that engaged in by the offender will lead to death?" Zimring, p. 114.

[24] Block, p. 32.

[25] "A Greater Intent to Kill: The Changing Pattern of Homicide in Harlem and New York City" (Yale School of Organization and Management, 1980) (unpublished).

Swersey reports that the number of assaultive—as opposed to felony—gun homicides in Harlem increased from 19 in 1968 to 70 in 1973, and then fell back to 46 in 1974. Much of the change between 1968 and 1973 was from an increase in international killings resulting from disputes involving narcotics activities. The importance of changes in the intent of violent perpetrators during this period is indicated by the fact that the death rate in gun attacks doubled between 1968 and 1973, and then fell back in 1974. Swersey concludes that more than 80 percent of the rise and fall in Harlem homicides was due to changes in the number of deliberate murders. He finds a similar pattern for the rest of New York City.[26]

TABLE 3.—LIKELIHOOD OF PHYSICAL ATTACK AND INJURY IN ROBBERY

[In percentage]

	Gun [1]	Knife [2]	Other weapon	Unarmed
Noncommercial robbery: [3]				
Victim attacked	22.1	39.4	60.4	73.5
Victim required medical treatment [2]	7.2	10.9	15.5	11.1
Victim hospitalized overnight	2.0	2.6	2.7	1.6
Number of cases (not in percentage)	892	841	1,060	1,259
Commerical robbery:				
Victim required medical treatment	4.8	10.8	17.9	5.1
Victim hospitalized overnight	1.5	3.5	6.0	0.4
Number of cases (not in percentage)	2,307	288	117	570

[1] Many robberies involve more than one type of weapon. Incidents of that sort were classified according to the most lethal weapon used.

[2] Only about ⅕ of the injured gun robbery victims were actually shot. Two-thirds of the injured knife robbery victims were stabbed.

[3] Robberies occuring on the street, in a vehicle, or near the victim's home.

Note: All incidents included in this table involved at least 1 male robber age 18 or over. Entries in the table do not reflect the survey sampling weights, which differed widely among the 26 cities.

Source: National Crime Panel victimization surveys of 26 cities. This table is excerpted from Philip J. Cook, "Reducing Injury and Death Rates in Robbery," table 2. © 1980 by the Regents of the University of California. Reprinted from 'Policy Analysis," Vol. 6, No. 1 (winter 1980), by permission of the regents.

Swersey's findings do not undermine Zimring's position. Zimring did not deny that some killings were unambiguously motivated, or that the importance of intent in murder was subject to change over time, or that it might be more important in Harlem than in Chicago. In any event. Swersey's results are useful in documenting these possibilities.

My conclusions can be briefly stated. The likelihood of death from a serious assault is determined, *inter alia*, by the assailant's intent and the lethal nature of the weapon he uses. The type of weapon is especially important when the intent is ambiguous. The fraction of homicides that can be viewed as deliberate—unambiguously intended—varies over time and space, but is probably fairly small as a rule. The fraction of gun assaults that results in the death of the victim is one indication of the relative prevalence of deliberate gun murders.

Robbery

The principal role of a weapon in robbery is to aid the robber in coercing the victim—either by force or threat—to part with his valuables. If the threat is sufficiently convincing, physical force is not necessary. For this reason, it is hardly surprising that the use of force is closely related to the weapon type in robbery, being very common in unarmed robbery and rare in gun robbery. Table 3 documents this pattern for both commercial and noncommercial robberies committed by adult males. As shown in this table, gun robberies are less likely than other armed robberies to involve physical violence and, furthermore, are less likely to injure the victim.[27] These patterns are compatible with the notion that violence plays an instrumental role in robbery—that it is employed when the robber believes it is needed to overcome or forestall victim resistance and that this need is less likely to arise when the robber uses a gun than otherwise.

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[26] Swersey also notes several other indications of an increasing fraction of deliberate murders in the homicide statistics for New York City as a whole. During the 1970s, the clearance rate declined for homicide, as did the fraction of homicides occurring on the weekend and the fraction involving family members.

There is evidence, however, that this "instrumental violence" pattern can account for only a fraction of the injuries and deaths that result from robbery. Three observations are relevant in this respect. First, over two thirds of victims injured in noncommercial gun robberies do not resist in any way—even after the attack; [28] similarly, 20 out of 30 victims killed in gun robberies in Dade County between 1974 and 1976 did not resist the robber. Second, the likelihood that the victim will be injured in an armed robbery is much higher if the robbery is committed by a gang of three or more than otherwise; since victims are less likely to offer resistance to a group of three or four robbers than to a lone robber, this result is clearly incompatible with the "instrumental violence" hypothesis. Third, judging from re-arrest statistics for a large cohort of adult robbery arrestees in Washington, D.C., it appears that robbers who injure their victims tend to be more violence prone than other robbers.[29]

These findings are different aspects of an "excess violence" pattern: much of the violence in robbery is not "necessary," in the sense of being an instrumental response to anticipated or actual resistance by the victim. Rather, it is motivated by objectives or impulses that have little to do with ensuring successful completion of the theft. In particular, the high incidence of violence in street robberies committed by larger groups—which typically have a low "take"—is best viewed as a form of recreation, and the gratuitous violence against the victim may be just part of the fun.

Given these findings, it is useful to attempt a distinction between "robbery with intent to injure" or kill and robbery without such intent—in which violence would only be used to overcome victim resistance. The latter form of robbery dominates the statistics—most victims are not in fact injured, and the likelihood of injury is less with guns than with other weapons. However, the more violent strain of robbery, involving an intent to injure, apparently accounts for a high percentage of the serious injuries and deaths that do occur in the robbery context. Furthermore, the incidence of excess violence in robbery is subject to change over time, as Zimring demonstrated in his study of robbery murder in Detroit.[30] He found a sharp discontinuity in 1972 in the fraction of victims killed in armed robbery: after 10 years of stable weapon-specific death rates, this fraction doubled between 1971 and 1973 for gun robberies and increased even more during this period for other armed robberies.

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[27] Other sources on this pattern include Conklin; Skogan; and Philip J. Cook. "A Strategic Choice Analysis of Robbery" in "Sample Surveys of the Victims of Crimes", ed. Wesley Skogan (Cambridge, MA: Ballinger, 1976) (hereafter cited as "A Strategic Choice Analysis of Robbery").

[28] Philip J. Cook, "Policies to Reduce Injury and Death Rates in Robbery," Policy Analysis, 6(1):36 (winter 1980) (hereafter cited as "Policies to Reduce Injury and Death Rates").

[29] Cook and Nagin, p. 39.

[30] Franklin Zimring, "Determinants of the Death Rate from Robbery: A Detroit Time Study," J. Legal Studies, 6(2):317–32 (June 1977).

Are gun robberies more dangerous than other armed robberies, in the sense of being more likely to result in the victim's death? Victims are killed in a higher fraction of gun robberies than others: based on victim surveys and homicide data in eight cities, I calculated that there are 9.0 victim fatalities for every 1000 gun robberies, compared with 1.7 victim fatalities per 1000 nongun armed robberies.[31] Furthermore, it appears that the type of weapon plays an independent role in determining the likelihood of robbery murder; in a cross-sectional analysis of 50 cities, I found that the fraction of robberies resulting in the victim's death is closely related to the fraction of robberies that involve firearms.[32] Thus the objective dangerousness pattern applies to robbery as well as assault, for reasons that remain a bit obscure.

Why does the presence of a loaded, authentic gun in robbery increase the probability of the victim's death? My studies of robbery murder in Atlanta and Dade County[33] indicated that in at least half of the cases the killing was deliberate: for example, the victim was tied and then executed, or shot several times from close range. But insofar as intent could be ascertained from police reports, it appears that these intentional killings were not premeditated, but rather decided on during the course of the robbery. Perhaps the explanation for why these spontaneous decisions are more likely to occur when the robber is holding a gun is related to Marvin Wolfgang's suggestion: "The offender's physical repugnance to engaging in direct physical assault by cutting or stabbing his adversary, may mean that in the absence of a firearm no homicide occurs."[34]

Two conclusions can be inferred from the preceding discussion:

1. A reduction in gun availability will increase the robbery injury rate,[35] but reduce the robbery murder rate.

2. Given the excess violence pattern in robbery, the robbery cases in which the victim is injured should be allocated special emphasis in

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[31] Cook, "Policies to Reduce Injury and Death Rates," p. 39.

[32] Cook, "The Effect of Gun Availability," p. 775. The regression equation is as follows:

$$\frac{\text{Robbery murders}}{\text{1000 robberies}} = \underset{(1.16)}{1.52} + \underset{(2.38)}{5.68}\ \frac{\text{Gun robberies}}{\text{Robberies}}.$$

A closely related result uses the per capita, rather than "per robbery," murder rate:

$$\frac{\text{Rob. murders}}{100{,}000} = \underset{(.232)}{-.284} + \underset{(.089)}{.907}\ \frac{\text{Gun robs.}}{1000} + \underset{(.072)}{.136}\ \frac{\text{Nongun robs}}{1000}.$$

(Numbers in parentheses are the standard errors of the ordinary least squares regression coefficients.) The data for 50 cities are 1975–76 averages. The second equation has an $R^2 = .82$, suggesting that robbery murder is very closely linked to robbery. Inclusion of the assaultive murder rate in this equation as an independent variable does not affect the other coefficients much—and the coefficient on the murder variable is not statistically significant. I conclude that robbery murder is more robbery than murder.

[33] Cook, "Policies to Reduce Injury and Death Rates."

[34] Marvin Wolfgang, "Patterns in Criminal Homicide" (Philadelphia: University of Pennsylvania, 1958), p. 79.

[35] See Skogan.

establishing criminal prosecution and sentencing priorities.[36] In a high proportion of these crimes, the attack that caused the injury was not instrumental to the robbery, but rather was a distinct act. A relatively severe judicial response to such cases might act as a deterrent to excess violence in robbery.

Coercion and assault

Does the instrumental violence pattern in robbery have any parallel in assault? I suspect the answer is yes, but I know of no empirical evidence.

Some unknown fraction of assault cases are similar to robbery in that the assailant's objective is to coerce the victim's compliance—the assailant wants the victim to stop attacking him, physically or verbally, or stop dancing with his girlfriend, or get off his favorite barstool, or turn down the stereo. And, as in the case of robbery, the probability of a physical attack in such cases may be less if the assailant has a gun than otherwise because the victim will be less inclined to ignore or resist a threat enforced by the display of a gun. It may also be true that the assailant would be more hesitant to use a gun than another weapon to make good his threat. If this reasoning is correct, then a general increase in gun availability may reduce the number of assault-related injuries.

Incidence: the substitution pattern

The preceding evidence suggests that gun availability has a substantial effect on the distribution and seriousness of violent crime. The third dimension of the violent crime problem is incidence—the number of violent confrontations and attacks. For each of the crimes under consideration—assault, robbery, and homicide—a reduction in gun availability to criminals would presumably cause a reduction in the number of incidents involving guns. But for each crime there is a real possibility that the number of incidents involving weapons other than guns would increase as a result of the reduction in gun availability. If this weapon substitution does occur, the net effect of reduced gun availability on crime rates could be either positive or negative.

First, consider the crime of assault. In an environment in which a high percentage of the violence-prone people carry guns, it is possible that a sort of mutual deterrent is created, whereby a rational person would think twice before picking a fight. A protagonist that is foolish enough to start a fight in such an environment may be persuaded to back off if his intended victim pulls a gun. When physical attacks do occur, they are likely to be perpetrated with a gun and to be serious. This line of argument may explain why the Bartley-Fox Amendment in Massachusetts—an anticarrying law that was apparently quite effective—may have resulted in an increase in the rate of aggravated assaults—the gun assault rate went down substantially following implementation, but the nongun assault rate increased even more.[37] A legal intervention that is successful in getting guns off the streets may encourage relatively harmless fights with fists and broken bottles. Definitive results in this area are hard to come by, in part due to the difficulty in measuring the assault rate in a consistent manner over time or across jurisdictions.

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[36] Cook, "Policies to Reduce Injury and Death Rates."

[37] Glenn L. Pierce and William J. Bowers, "The Impact of the Bartley-Fox Gun Law on Crime in Massachusetts," unpublished manuscript (Northeastern University: Center for Applied Social Research, 1979).

My cross-sectional analysis of robbery in 50 cities found that one measure of gun availability—the density of gun ownership—was statistically unrelated to the overall robbery rate when other causal factors were taken into account.[38] By way of illustration, the two cities with the highest robbery rates—Detroit and Boston—differed markedly in gun ownership. Boston was one of the lowest, and Detroit was above average. The same study demonstrated that the fraction of robberies committed with a gun was closely related to the density of gun ownership in the city. Apparently robbers tend to substitute guns for other weapons as guns become readily available, but with little or no change in their rate of commission.

If guns were less widely available, the criminal homicide rate would fall. This prediction is justified by three distinct arguments developed in this article: (1) knives and clubs are not close substitutes for guns for implementing a decision to kill, especially when the intended victim is relatively invulnerable; (2) Zimring's "objective dangerousness" results demonstrate that a reduction in gun use in serious—but ambiguously motivated—assaults will reduce the homicide rate, and (3) my results on robbery murder in the 50-cities study indicate that the fraction of robberies that result in the victim's death is closely related to the fraction of robberies involving guns. A final bit of evidence comes from evaluations of the Bartley-Fox Amendment, which suggest that it reduced the criminal homicide rate in Massachusetts.[39] The tough new handgun law in the District of Columbia has also apparently been effective in this regard.[40] It should be noted that a crackdown focused on the least lethal type of gun—small caliber handguns—might not have the desired effect on criminal homicide if perpetrators substituted large caliber handguns or longguns.

My conclusion is that effective gun control measures are unlikely to reduce the total number of violent confrontations and attacks, but may well reduce the criminal homicide rate.

Conclusions

The type of weapon matters in violent crime, both in terms of its seriousness and its distribution. If robbers could be deprived of guns, the robbery murder rate would fall, the robbery injury rate would rise, and robberies would be redistributed to some extent from less to more vulnerable targets. The assaultive murder rate would decline, with the greatest reductions involving the least vulnerable victims. The overall assault rate might well increase. These predictions are based on common sense and a variety of empirical observations. None of this evidence is conclusive, but it is the best that is currently available.

Is it reasonable to suppose that moderate gun control measures have the potential to discourage some violent criminals—potential or active—from obtaining guns? No doubt there are some active criminals and other violence-prone people who have the incentive and resources required to acquire a gun even in the face of substantial legal barriers. But such determined people do not figure importantly in the violent crime statistics—indeed, most assaults and robberies do not even involve guns now, despite the fact that guns are readily available in most jurisdictions. A gun control measure that increases the average cost and hassle of a youthful urban male acquiring his first handgun may at least delay acquisition for a year or two—with noticeable effect on the gun crime rate. A vigorous crackdown on carrying concealed weapons may have a similar beneficial effect.

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[38] Cook, "The Effect of Gun Availability."

[39] See the article by Pierce and Bowers in this issue.

[40] See Jones' article in this issue.

Not all of the predicted effects on violent crime of a reduction in gun availability are attractive. None of these predictions can be made with a high degree of certainty. But it is not unreasonable to suggest that a moderate, vigorously enforced program for regulating the sale and use of guns would save a substantial number of lives. Gun control is not "the solution" to America's violent crime problem, but perhaps it should be one aspect of the effort to find a solution.

3. THE ASSUMPTIONS OF GUN CONTROL

(By Gary Kleck and David Bordua)*

[Paper presented at the annual meeting of the American Sociological Association, New York City, August 1980.]

Introduction

The gun control issue is complex, involving dozens of interrelated subissues and disputes. Some of the disputes are value disputes or conflicts over fundamental beliefs—a clash of cultures (The Wall Street Journal 1973; Bruce-Briggs 1976). As such, the issues cannot be resolved solely on the basis of reesarch evidence. However, many of the arguments for gun control depend on certain specific assumptions, sometimes explicitly stated, often left implicit, which can be evaluated on logical grounds, and compared against the available research evidence. We have identified five of the more important assumptions of this sort, and have attempted to subject them to this kind of examination. We take a predominantly critical stance towards these assumptions, because the dominant stance in much of the academic research community has been one unusually uncritical of gun control policies, in sharp contrast to their ordinarily skeptical view of other governmental policies restricting human behavior in one way or another.

The term "gun control" is very broad, referring to anything from increased penalties for use of guns in a felony to a total ban on ownership of firearms. There are dozens of basic gun control policies and thousands of possible combinations of these policies. Some are directed at ownership, others at illegal use, some at handguns, others at all firearms. We will concentrate in general on policies aimed at restricting or banning ownership of firearms, especially (but not exclusively) policies directed at handguns.

Assumption No. 1

Guns are five times deadlier than the weapons most likely to be substituted for them in assaults where guns are not available.

This assumption is crucial to gun control arguments because opponents of gun control measures have claimed that where guns are unavailable, other weapons will be substituted for them and homicides will be committed with the alternative weapons at the same rate as would have occurred with guns available. Gun control advocates counter this argument by saying that the substituted weapons will be less deadly, less technically effective for inflicting fatal injury than firearms, resulting in a lower assault fatality rate and therefore fewer homicides. Two assumptions are involved in the substitution argument of gun control advocates. The first is that knives are the most deadly of the likely substitute weapons and therefore would produce the largest possible substitution effect, and the second is that the guns are approximately five times deadlier than knives.

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If guns become harder to obtain, or riskier to own, those who feel the greatest need to own guns will be the ones most likely to either retain their guns, or to obtain the best available substitute they can afford. If a control policy directed at all guns is under consideration, knives might well be the most common substitute since they seem to be the next most effective available weapon, among those which could be used in the same sort of circumstances as guns. However, many of the policies currently advocated are directed solely at specific types of guns, especially handguns, or even more narrowly, the cheap handguns known as "Saturday Night Specials." If denied one defensive device, a rational, highly motivated person would presumably acquire the next best substitute device. If handguns become harder to get, the next most satisfactory weapon, either for self-defense or for commiting crimes, would be a rifle or shotgun, not a knife. These weapons are certainly more expensive than knives, but are also much more effective for the person who desires a weapon because he or she feels unable to physically resists the average robber or rapist, who is most likely to be a strong male. Therefore, restriction of handgun ownership could result in a shift to rifles and shotguns for defensive purposes among those highly motivated (see Kates 1976 on this point), and also to the use of sawed-off versions of these weapons for criminal purposes. If these weapons are deadlier than handguns (especially at close range, where most assaults occur), such a shift in weapon type would amount to an upgrading of weaponry, and would tend to result in a higher assault fatality rate.

In a similar way, effective restrictions on the availability of cheap, small caliber handguns could cause a shift to more expensive handguns of better construction and large caliber. Since larger caliber guns are deadlier (Zimring 1972), this policy could also result in a higher assault fatality rate. Whether handgun prohibition would result in a net increase in the assault fatality rate would depend on what proportion of prospective assaulters would substitute knives for handguns, and what proportion would substitute long guns. Kates and Benenson (1979, pp. 111, 227) estimate that even if only 30% switched to long guns and the remaining 70% switched to knives, there would still be a substantial net increase in homicides. (See Kleck, Handgun-only Gun Control: A Policy Disaster in the Making. 1981. Unpublished.)

While it may well be that firearms are deadlier in assaults than knives, it is debatable just how much of the greater deadliness is due to the technical characteristics of the weapons and how much is due to differences in the intentions and intensity of motivation of the people who use the weapons. It may be the case that people who are more serious about committing deadly violence for that reason choose more "serious" weapons. However, Zimring (1968) claimed that firearms are five times as deadly as knives and further argued that the difference in gun and knife fatality rates can not be attributed to differences in motivation or intention of the weapon's user. As evidence of this latter claim he purports to show that gun and knife assaulters, described in Chicago police records for 1967, were similar in type of motive, race, sex, and bodily location of the wounds they inflicted.

However, by recomputing row percentages of gun and knife assaulters by sex in Zimring's Table 5, the reader can see that 87.3 percent of gun assaulters were male, while 65.2 percent of the knife assaulters were male. The relationship between gender and violence is well known and it is not implausible that male assaulters as a group are more intent on inflicting deadly violence than female assaulters. Weapon preference may be affected by sex role-structured prior experience with, and attitudes toward, firearms, and sex in turn may be related to seriousness of intent. Thus, at least part, perhaps most, of the difference in fatality rates of guns and knives may indeed be due to differences in intent of those who use them.

Zimring's early work does not allow detailed study of large numbers of gun and non-gun assaults which are comparable in presumed degree of intent to kill, since they concern rather heterogeneous samples of assaults. However, a later study (Zimring 1977) concerned only assaults in robberies, presumably a much more homogeneous sample. It indicated that guns were only 1.31 times as deadly as knives in armed robbery assaults (based on police data). Further, a medical study which concerned only abdominal wounds found a 3.1 percent mortality rate for stab wounds and 9.8 percent for gunshot wounds, indicating a three-to-one ratio (Wilson and Sherman 1961, p. 640). Thus, even using fatality rates in the Zimring manner to measure the relative deadlines of different weapons leads to weaker conclusions than Zimring reached. However, the technique is fallacious in any case since it erroneously assumes comparability of motives and intentions between users of different types of weapons. (For more extensive critiques of the Zimring line of reasoning, see Hardy and Stompoly 1974, pp. 103–100 and Kleck 1981). In any case, these considerations suggest that if knives are substituted for guns as a result of an effective gun control program, the savings in lives will be considerably less than would appear if the five-to-one deadliness ratio is believed.

Assumption No. 2

Firearms ownership increases the rate of assaults because the sight of a gun can elicit aggression due to the learned association between guns and violence.

This assumption implies that not only does firearms use in assaults increase the deadliness of those assaults, but that the rate of assaults will also be higher because some assaults which would not otherwise have occurred will be stimulated by the presence of a gun. In two articles in the semi-popular Psychology Today, Leonard Berkowitz made the argument explicit and summarized it with a slogan repeated by others since: "Guns not only permit violence, they can stimulate it as well. The finger pulls the trigger, but the trigger may also be pulling the finger." (Berkowitz 1968, p. 22; see also Berkowitz, 1981). Elsewhere, Berkowitz has argued that stimuli commonly associated with aggression, such as guns, can elicit aggression from people ready to aggress (i.e. angry people) when the stimuli are associated with an available target. By a process of classical conditioning, the repeated pairing of guns and aggression, in real life and in fiction, creates an association between guns and aggression when presented with the stimulus, guns. In addition to causing assaults that might not otherwise have occurred, guns may also cause increased intensity of attack, Berkowitz argued. The theoretical rationale for this notion was never made clear and Berkowitz seems to have dropped the notion since the original Berkowitz and Le Page (1967) article on the subject.

The "weapons effect" studies are nearly all experimental studies, usually conducted in laboratories. Typically, confederates of the experimenters in some way anger the subjects, who are then given an opportunity to aggress against the confederates using electric shocks, supposedly in the context of a "learning experiment." The key experimental condition is the presence of a weapon (usually a gun), toy weapon or picture of a weapon, which either is or is not associated with the confederate.

Berkowitz and Le Page produced marginal support for the gun effect hypothesis—the "weapons effect" was observed for strongly angered subjects, but not weakly angered subjects; significant differences between control and experimental groups were observed for mean number of shocks given, but not for mean duration of the shocks. Researchers following Berkowitz elaborated his original theoretical framework in several important ways. They differentiated between groups which showed the weapons effect and other groups which did not, they recognized the importance of the differing meanings which people attach to guns, and they more fully recognized the possibility of guns inhibiting aggression as well as eliciting it. For example, Fischer et al. (1969) and Turner, et al. (1975) found a small (and statistically insignificant) weapons effect only for people of low emotionality.

Turner and his associates (1975) recognized the possibility that many people may not perceive guns as aggressive stimuli, especially if they have frequently been observed in non-aggressive contexts such as hunting or target shooting. They devised a naturalistic experiment in which a pickup truck driven by a confederate would deliberately fail to move at a traffic light when the light turned green, obstructing traffic from behind him. Horn honking by the drivers of the cars immediately behind the truck (the subject's) was the measure of aggression. The truck sometimes had a rifle in a gun rack, which was clearly visible from behind the truck, and sometimes did not. The rifle was either paired with a large bumper sticker on the truck with an aggressive connotation (the word "vengeance"), or a non-aggressive connotation (the word "friend"). Significantly more honking occurred when the rifle was given the aggressive connotation than when it was not given such a connotation. Further, the rifle paired with the non-aggressive meaning did not produce significantly more aggression than the no-rifle control condition (a fact Berkowitz unaccountably fails to mention in his 1981 Psychology Today discussion of this study). The validity of horn honking as a measure of aggression or its comparability to physical violence is unknown, and unfortunately the effect of gun meaning on the weapons effect has not been empirically evaluated with any other measure of aggression.

Given that virtually all of the personal experience with guns which most gun owners have is in predominantly non-aggressive recreational activities, these findings suggest that the weapons effect is largely limited to either people who do not own guns or to gun owners whose experience with guns is limited to circumstances of real-life aggression and/or to fictional violence (especially on television or in films).

Four experimental studies have produced findings largely inconsistent with the weapons effect hypothesis: Ellis et al (1971), Page and Scheidt (1971), Buss (1972), and Turner and Simon (1974) (although the authors of the last study chose not to emphasize the negative weapons effects findings in their Table 1). On the other hand, the findings of Frodi (1973), Leyens and Parke (1975), and Page and O'Neal (1977), as well as those of Turner et al. (1975) discussed above, at least partially support the hypothesis. However, Leyens and Parke used pictures of guns rather than actual weapons as stimuli and used as a measure of aggression the number of shocks subjects said they wanted to give to the confederates who had insulted them. The artificiality of these conditions makes these findings of questionable generalizability. The Leyens and Parke study was conducted in Belgium and that of Frodi in Sweden. Since Europe has little tradition of widespread participation in gun-related recreational activities such as hunting (see Kennett and Anderson, 1975, on the contrast between European and U.S. traditions of gun use), most European subjects are likely to have had real-life experiece with firearms only in the context of the military or warfare, if at all. Otherwise, their experience will have been limited to the fictional and largely aggression-laden contexts of television and films. Therefore, these studies may be of limited relevance to an evaluation of the plausibility of the weapons effect hypothesis in the U.S.

The social psychologist critics and defenders of the weapons effect hypothesis have clashed with each other primarily over technical issues. These largely inconclusive discussions focus on whether findings were due to demand characteristics of the experiments, such as subject awareness of experimenter's expectations and subjects' anxiety at being evaluated on their aggressiveness. However, a more fundamental criticism can be made of almost all of these studies. In nearly all experimental studies of the weapon's effort, the weapon is either associated with the potential victim of the aggression (the confederate) or is not associated with anyone in the experimental situation. Weapons never were in the possession of, or associated with the potential aggressor (the subject). Yet the principal issue of relevance to gun violence is whether the aggressor's possession of a gun makes his physical aggression more likely, not whether it makes his potential victim's aggression more likely. Thus, the social psychological literature does not address itself directly to the issue of gun owner aggression at all, but rather to the subsidiary issue of aggression directed against gun owners! And the one study in which guns were linked to the experimental subjects (Buss et al. 1972), no weapon effect was found (subjects in this study fired BB guns before being evaluated for aggression).

In a real life setting of potential violence, where one person has a gun and the other does not, it seems highly likely that any potential aggression of the other will be inhibited by the fear of the consequences of assaulting the person with the gun far more than it will be stimulated by the sight of the gun. Consistent wih this point, Fischer et al. (1969, Fraczek and Macaulay (1971), and Turner et al. (1975) obtained results indicating significant inhibiting effects of weapons (knives in the Fischer et al. study and guns in the other two studies). Fischer et al. found inhibiting effects for women, while Turner, and his associates found inhibiting effects for men and women in a number of experimental conditions. Fraczek and Macaulay found significant inhibiting effects of guns on highly emotional subjects, possibly because such people have learned to fear the possible consequences of their own aggression. These findings, combined with the mixed findings regarding the eliciting of aggression, are sufficiently plausible to raise the possibility that, for the population as a whole, guns are as likely to inhibit assaults as to incite them, and that gun ownership therefore has no net effect at all on the frequency of assaults.

Assumption No. 3

People are only superfically motivated to acquire and own guns. Therefore, if guns are made more expensive, more difficult to obtain, or legally risky to own, people will do without them (i.e., the demand for guns is highly elastic).

The demand for guns is most elastic among those gun owners least highly motivated to acquire and retain them. If we assume that those motivated by fear of crime are on the average more highly motivated than those motivated by desire for recreation, in hunting or target shooting, then demand for guns is least elastic among those who own guns for self-defense. Consequently, we would expect the resistance to policies restricting firearms to be strongest (or at least very strong) among the most highly motivated defensive gun owners.

A large proportion of gun owners own guns for the purpose of protection or self-defense. A 1975 national survey found that for 55% of *all* gun owners, self-defense was at least one of the reasons they owned a gun, although some owners gave other reasons in addition to this one (U.S. Congress 1976, p. 9). In two national surveys conducted in 1978, 21% and 25% of *all* gun owners said self-defense was the most important reason they own a gun. Among the *handgun* owners, 45% owned their guns for this reason (DMI 1979:40). Finally, a 1977 survey of Illinois residents indicated that among persons who owned *only* handguns, 57% owned them exclusively for the purpose of protection, while another 10% indicated protection was their *main* purpose (Bordua et al. 1979, p. 231).

Given the frequency of defensive ownership of firearms, it would not be surprising if compliance with laws restricting gun ownership would meet with widespread resistance and a low rate of compliance. This expectation is confirmed by survey data regarding anticipated rates of compliance. The Illinois survey asked respondents if they would comply if a law were passed requiring people to turn in their firearms to the federal government; 73% of gun owners stated they would not comply (Bordua et al. 1979). Further, the general public does not believe compliance with such a law would be very great: fully 95% of a general national sample of adults questioned in 1978 believed that only half or fewer of gun owners would comply with a law requiring a turn-in of handguns to the federal government. The same survey found that 71% of the general public believed that even with a registration of guns, half or fewer of gun owners would comply (DMI 1979, p. 66). These data suggest that gun ownership for self-defense, especially handgun ownership, is highly inelastic and that a

voluntary compliance with restrictions of ownership would be discouragingly low, even in the general, predominantly non-criminal, gun owning population. Presumably, voluntary compliance among criminal guns owners would be far worse.

It is a truism that restricting ownership of firearms can have an effect on the homicide rate only to the extent that ownership is reduced or limited among those who are violence prone. This must be true, since everyone who commits a homicide is by definition violence-prone, regardless of whether killers could be identified as violence-prone in advance of their killings. Therefore, it is crucial to know to what degree gun control laws will limit gun ownership within this group.

It can be hypothesized that it is among the highly motivated defensive gun owners where killers are most likely to be found. This is because, we would argue, killers often perceive themselves as potential victims (see Toch, 1969, for a related view). This should not be surprising since the distinction between the killer and the victim in a homicidal episode often is simply a matter of who strikes the last or hardest blow in a mutual exchange of blows, or of who happens to first introduce a deadly weapon into the exchange (Wolfgang 1958; Luckenbill 1978). Many killers actually come close to being victims themselves in exchanges initiated by persons who ultimately became the homicide victim. Further, if killers and victims are often both members of a subculture of violence, as Wolfgang and others have argued, and if they both reside in high crime areas where risks of victimization are high, it is to be expected that many gun acquisitions by people who eventually become killers were initially made for defensive reasons. Few homicides are premeditated (Wolfgang and Ferracuti 1967, p. 14), and thus few guns are purchased with the goal in mind of killing a particular individual. Rather, it is reasonable to believe that the weapons were originally acquired for defensive purposes, and only later were used to kill. Indeed, in a sample of Florida prisoners convicted of gun murder, 58.5%, had originally acquired their guns for protection. (Florida 1977, pp. 4–10).

Therefore, it is among violence-prone people that demand for guns is most inelastic and it is they who would be the most likely to either violate gun laws or seek effective substitutes for prohibited weapons, whether they be handguns in general, or Saturday Night Specials in particular. This would not, for the most part, be because they intend to use the weapons for criminal purposes, although that may also be true for a small minority of gun owners. Rather, it would be the result of a felt need for protection in an environment accurately perceived to be dangerous. If this analysis is correct, laws aimed at restricting gun ownership will be least successful in doing so precisely where they most need to succeed in order to produce a reduction in homicide.

Assumption No. 4

People who buy guns for self-defense are the victims of self-deception and a mistaken belief in the protective efficacy of gun ownership.

This assumption is crucial to gun control policy because without it opponents can claim that loss of self-defense guns by law abiding citizens is an opportunity cost of gun control policy which would go a long way toward counter-balancing possible benefits in crime reduction. Persons who own guns for defensive purposes, unless they are totally irrational, clearly must at least believe their guns are useful for self-defense, regardless of the actual protective efficacy of guns. Consistent with this point, 83% of a 1978 national sample agreed with the statement that "Most people who have guns feel safer because of it" (DMI 1979, p. 43). Gun owners derive at the very least the very real, albeit intangible psychological benefit of decreased anxiety regarding criminal victimization. This is a benefit exactly analogous to one which life insurance provides—you do not purchase a policy so you can die and leave your family the insured sum. Rather, the principal benefit is peace of mind. Likewise, the chief benefit of defensive gun ownership is not the actual use of guns for defense against criminals, but rather the peace of mind which is produced by the knowledge that the gun is available and could be used for defensive purposes if needed.

Nevertheless, gun control advocates argue that however real these psychological benefits may be, they are largely illusory, because gun ownership does not in fact prevent crime victimization. The argument that guns are ineffective for self-defense has been put forth in its most complete form in the work of Matthew Yeager and his colleagues (1976). They compiled diverse bits and pieces of evidence, much of it bearing little or no relationship to their stated issue of the efficacy of handguns as crime defensive devices. Because their work is cited by others, it is important to evaluate their arguments and evidence where it is at least marginally relevant to the protection issue.

In connection with burglary, the authors present evidence indicating that burglary victims seldom have an opportunity to use a gun against a burglar because there is rarely any confrontation between victim and offender, and show that almost no burglars are killed by homeowners. Yet, as Bruce-Briggs (1976) has wryly noted, "the measure of the effectiveness of self-defense is not in the number of bodies piled up on doorsteps, but in the property that is protected." Thus the question is whether a victim's gun ownership somehow deters burglars from committing burglaries. It is not usually a matter of common knowledge either in the general population, or among burglars, that a particular homeowner owns a gun; therefore, a gun in a given residence is not likely to deter burglars from victimizing that specific residence. Consequently, evidence cited by Yeager et al. regarding individual victim ownership of guns and burglary victimization (p. 5) is irrelevant to the deterrence issue. However, it may very well be a matter of common knowledge (or belief) that certain neighborhoods are, in the aggregate, heavily armed (e.g., see Hannerz 1969, p. 80, regarding a black neighborhood in Washington, D.C.) and it certainly is common knowledge that some regions of the U.S., especially the South, are more heavily armed than others.

In this connection, it can be argued that the non-legal risk of being shot by a homeowner may be taken more seriously by burglars than the risks of legal punishment, which are themselves rather low. The clearance and conviction rates for burglaries in the U.S. in 1976 were 16.8% and 27.8% respectively (U.S. FBI 1977, pp. 162, 217), giving an approximate risk of arrest and conviction for any given burglary of 4.7% (0.168 × 0.278 × 100%). There were an estimated total of 3,252,100 burglaries reported to the police in 1975 (U.S. FBI 1977, p.

37) and a total of 8,223,000 as indicated by victimization surveys (U.S. NCJISS 1977, p. 17) indicating that only about 40% of burglaries were reported to the police. Thus the overall risk of a burglar being arrested and convicted was only about 1.8% (.40 × .047). If half of those burglars convicted received a prison sentence, then the risk of imprisonment was 0.9%. In 1964 (the last year for which relevant national data are available), the median prison term served for burglary was 20.1 months (U.S. Federal Bureau of Prisons 1967, p. 52), a value which is probably lower now. Therefore the legal risk which an average burglar in the U.S. faces is a 0.9% chance of serving a median prison sentence of 20 months. In short, the legal risks of burglarly, at least in the short run, may very well seem slight to burglars or potential burglars. On the other hand, the non-legal risk a burglar faces is that of being shot, possibly fatally, by a homeowner armed with a gun. The probability of this event is unknown, but certainly non-zero. A Toronto victimization survey found that in 21% of burglaries, the burglar was confronted by a victim (Waller, 1978, p. 31), indicating that opportunities to use a firearm would not be uncommon among burglary victims, if they owned firearms.

Given the *seriousness* of the possible outcome, even a very slight probability of the event occurring may be taken seriously by a potential burglar. For example, some professional robbers interviewed by Conklin (1972:85) began their careers committing burglaries, but later gave up this type of crime because of a distaste for its "sneakiness" and "the risk of being trapped in a house by the police or *an armed occupant*" [Italic added]. Therefore, even though burglars may not be deterred from victimizing *particular* households because of gun ownership, the knowledge that gun ownership is common in general or in a given area may very well exert a deterrent effect, such that some potential burglars either refrain altogether from burglary, or commit fewer burglaries because of the additional anxiety associated with the crime. Since there is evidence indicating that burglars respond to the legal risks of burglary, however slight they may be in absolute terms (e.g. Tittle, 1969; Phillips and Votey, 1972; Ehrlich, 1973), it would follow that if the risk of being shot by an armed victim is viewed with at least equal seriousness by burglars, gun ownership would also exert a deterrent effect on burglars. There is also direct evidence that criminals do take victim gun ownership into consideration in planning crimes and choosing victims. Convicted robbers and burglars interviewed in a California prison stated that they would take into consideration the presence of weapons in a house or business and that they knew of specific cases where robberies were not committed because the prospective victim was known to be armed (Richardson, 1975). If this is so, then a reduction in gun ownership among potential burglary victims, due to gun control measures, could conceivably have the perverse effect of actually *increasing* burglary.

There are also instances of widely publicized firearms training programs apparently producing dramatic reductions in crime in various cities: rape in Orlando, Florida, in 1966, armed robberies in Highland Park, Michigan, in 1967, and grocery store robberies in Detroit (Knox, 1975, pp. 108–9). While none of these apparent effects have been rigorously analyzed, they are least suggestive regarding the possible crime deterrent effect of widespread gun ownership.

Our discussion of deterrence of burglary is necessarily somewhat conjectural, due to the paucity of hard evidence. However, Yeager et al. provide some evidence regarding self-protection and other crimes, in particular robberies, assaults, and rapes. Contrary to their interpretation, the weight of the relatively hard evidence contradicts the claim that guns are ineffective for self-defense. Unpublished data derived from victimization surveys were studied to determine the outcome of crimes where victims used various forms of self-protection. The surveys did not cover victim use of a gun specifically, but did cover weapons use in general. Regarding robbery, Tables 5, 6, 7 in Yeager et al. indicates the following: 1) robberies are less likely to be completed if the victim used a weapon for self-protection, compared both to those who did not use any self-protection methods and to those who used alternative protection methods, such as running away, hitting or kicking, yelling, or reasoning with the criminal, and 2) robbery victims were no more likely to be injured if they resisted with a weapon than those who did not resist at all, and were even less likely to be injured than those who resisted by yelling, hitting or kicking, or by holding onto their property. Presumably those who used guns were even more successful in preventing completion of the crime and in avoiding injury than those using other weapons.

Regarding assault, the data presented Yeager, et al. in their Tables 11 and 13 indicate that: (1) assaults are less likely to be completed against victims who used weapons, as compared to using no self-protection method, and (2) assault victims who used weapons were *less* likely to be injured than those who used no self-protection method.

Regarding rape, the authors present some evidence which contradicts their own basic stance, and other pieces of evidence which contradict each other. For example, on the one hand, they cite data indicating that only 33% of rapes occur in or near a residence, and argue that victims therefore usually are not in a place where their gun would be available (pp. 32–33). On the other hand, they cite another study indicating that the greatest proportion of rapes occurred while the victim was asleep *in her bedroom*, and for this reason would be unable to use a gun! The authors also point out that most rapists are unarmed (p. 32), and yet fail to draw the obvious inference that this would presumably give an armed victim an even greater chance of successfully resisting the attack (Compare Silver and Kates, 1979, pp. 164–5).

Perhaps the most potentially persuasive point made by Yeager et al. is the simple observation that crime victims rarely get the opportunity to use a gun, even if they own one, especially when the crimes are committed away from the victim's home. Because of laws prohibiting or restricting the carrying of handguns in public places, most potential victims are not likely to get a chance to defend themselves with a gun if victimized away from home, unless they are willing to violate the law by carrying a concealed weapon.

However, gun owners do have opportunities to use their guns in self-defense, whether at home or away from home. A 1978 national survey indicated that in 7% of households with a gun, some member of the household had, in the past, used a gun (even if it wasn't fired) for self-protection against a person, excluding military service or police work (DMI 1979). A California survey found that 8.6% of handgun owners responding had used a handgun for self-protection (California 1977). A Toronto victimization survey found that 21% of the burglary victims caught burglars in the act, although few of the homeowners had guns, presumably because of generally low Canadian gun ownership. (Waller 1978). Even in connection with robberies, there is some opportunity for victims to use weapons to defend themselves. In 3.5% of robberies reported to victimization surveys in eight U.S. cities in 1971–72, victims admitted using weapons (not necessarily firearms) for self-protection (Yeager et al. 1976). Presumably this is a conservative estimate, since many victims may be doubtful about the legality of their weapon use, and therefore reluctant to acknowledge it to government interviewers. It, of course, is a matter of personal judgment whether this is a sufficiently large frequency to justify gun ownership for self-defense.

Nevertheless, many potential crime victims apparently want to have the option of defending themselves with firearms against criminals should the necessity arise, however rare such a situation may be. Regardless of how one may feel about the desirability of using guns for defensive purposes, it cannot be claimed, on the basis of available evidence, that the belief in the protective efficacy of firearms is just the product of self-delusion.

Assumption No. 5

(The myth of the non-criminal killer). Homicides are largely unpredictable "crimes of passion" committed by ordinary individuals not distinguishable from other people. Everyone is potentially a killer and we cannot tell in advance who is likely to kill and who is not. Therefore, control must be directed at all gun owners rather than selection subgroups.

The position on gun control of the U.S. Conference of Mayors includes the following statement: "those who possess handguns cannot be divided into criminals and qualified gun owners". (Yeager et al, 1976, p. xiii). The assumption is also made in the gun control positions of the AFL-CIO, Common Cause, and the Union of American Hebrew Congregation, among others (Alviani and Drake 1975, p. 50, 52, 54). This assumption is crucial to gun control proposals directed at all gun owners, rather than just those who misuse their guns. If it is false, then opponents of gun control may argue that such "blanket" measures unnecessarily (and unjustly) deprive and punish law-abiding people along with the criminals.

It is, of course, perfectly true that we can not identify in advance specific individuals who will kill (or assault), either with or without a gun. The predictive technology simply does not exist and is not likely to exist in the near future (see Wenk et al, 1972). And, it is trivially true that everyone is potentially a killer, in the sense that there is at least an infinitesimally small probability that any given person will commit a homicide. However, this does *not* mean that killers are randomly distributed through the population, or that some *aggregates* can not be divided, if we so choose, into two distinct, non-overlapping groups: those who have been convicted of a felony (or more specifically, a violent felony) and those who have not. This is, in fact, a distinction already made in existing gun control law (for a summary of handgun law, see Barnes Company, 1974). For example, the 1968 Gun Control Act makes it a federal crime punishable by 2 years in prison for any convicted felon to possess a firearm (U.S. IRS, 1968, p. 8).

There is an imagery in gun control thinking of domestic homicides as being isolated outbursts of otherwise ordinary, non-violent, non-criminal persons. Because such homicides constitute such a large fraction of all U.S. homicides, gun control advocates argue that it therefore is important to restrict firearms among apparently law-abiding persons as well as among convicted felons.

This assumption has been phrased in a nicely explicit form by gun control advocate Leonard Berkowitz (1981, p. 11): "Gun control may not be too effective in protecting ordinary citizens against criminals or Presidents against assassins, but it may, nevertheless, save some ordinary citizens from other ordinary citizens like themselves."

Domestic homicides are in fact usually the culminating event in a series of violent episodes, many of which were serious enough to involve the police before the final, fatal encounter. A study of Kansas City killings found that 90 percent of the homicides had been preceded by past disturbances at the same address which were serious enough that the police had to be called in, with an average of five previous disurbance calls per address. (Wilt et al, 1977). Thus domestic killings are rarely isolated outbursts of previously non-violent people, but rather are usually part of a pattern of violence, engaged in by people who are known to the police, and presumably others, as violence-prone. Some marriages or family situations can thus be described as homicide-prone, and many are identifiable as such to the police, suggesting that many domestic homicides are in this sense predictable.

While it is highly debatable just how effective the enforcement of gun control laws could be, it is still worthwhile to attempt to evaluate the possible benefits of a policy assuming complete enforcement effectiveness. If gun control efforts could be effectively directed towards restricting ownership only among those with a prior felony conviction, to what degree could this reduce the homicide rate? The answer depends on the proportion of killers who have prior felony convictions since this is the maximum proportion of killers with a firearm who could be prevented from killing by an elimination of gun ownership among convicted felons.

Little published evidence is available on this exact question although there certainly must be ample relevant evidence buried in police and court records in various jurisdictions. The most representative available samples of known or suspected homicide offenders would be samples of homicide arrestees, since samples drawn at later points in the criminal justice process (e.g. samples of persons convicted or persons imprisoned would be subject to case loss and various selection biases, including bias associated with prior criminal record (see Wolfgang, 1958: 11–13 on this general point). Unfortunately, there is little evidence concerning prior convictions for such samples. More usually, the data either concern prior arrests (and the proportion of arrestees with prior arrests would necessarily be larger than the proportion with prior felony convictions) or refer to samples of incarcerated persons, who would presumably be more recidivist than general samples of arrestees. Wolfgang (1958: 170–172, 183) reviewed earlier studies of the prior records of homicide offenders, most of them done in the 1930's and 1940's. In one sample of persons imprisoned for homicide offenses, 82 percent had previous criminal convictions, while the figure was 98 percent and 32 percent for two other similar samples. In a sample of persons *convicted* of homicide offenses, 43% had previous convictions. Regarding prior record of *arrests*, three studies indicated that 54%, 50% and 55%, respectively, of samples of homicide prisoners had previous arrests, while Wolfgang's own sample of homicide arrestees indicated that 64.4 percent had a record of prior arrests (p. 175). More recently the Careers in Crime data of the Uniform Crime Reports indicate that 77.9% of persons arrested for murder or non-negligent manslaughter in 1970 had previous arrests, and 50.1% had prior convictions (U.S. FBI 1971, p. 38). Among those homicide offenders arrested in the U.S. between 1970 and 1975, 67.6% had previous arrest records (U.S. FBI 1976, p. 43).

The FBI is rather vague about what types of crimes offenders were previously arrested or convicted for. However, in special computer runs for the 1968 Eisenhower Commission, it was determined that 74.7% of persons arrested between 1964 and 1967 for criminal homicide had a record of previous arrests for "a major violent crime or burglary" (Mulvihill et al., 1969, pp. 530, 532). The Careers in Crime data can be questioned regarding sample representativeness, so some independent confirmation of these figures would be helpful. Data for New York City indicate that among those arrested for homicide in 1970, 64.7 % had a prior arrest record and 40% had prior arrests for violent offenses (Shinnar and Shinnar, 1975, p. 596).

Considered as a whole, prior research evidence shows that the majority of homicide arrestees have prior arrest records. As a rough estimate, perhaps half of them have previous convictions of some sort, although the convictions were not necessarily for felonies. A reasonably conservative estimate of the fraction of homicide offenders with prior felony convictions might be about one-quarter. Therefore, gun control measures aimed strictly at eliminating possession of guns by persons with prior felony convictions could potentially prevent up to about one-quarter of homicides, assuming there is no substitution of other weapons for guns. That fraction of killers could be identified in advance as inappropriate for gun ownership on the basis of prior criminal record, as recorded in data banks like that of the FBI's National Crime Information Center.

Further, it should be noted that felony killings account for an increasingly large fraction of U.S. homicides. In 1964, 17 percent of murders and non-negligent manslaughters were known, or suspected to be, the result of other felonious activities. In 1976, the figure was 28 percent. Among the known felony killings in 1976, 42 percent resulted from robberies (U.S. FBI, 1965: 1977, p. 10). If robbers are more likely to have criminal records than persons who commit nonfelony killings, this suggests that the proportion of homicides committed by persons with prior felony convictions, who fit the popular stereotypes of a "real" criminal, is increasing. Therefore, the potential effect of well-enforced gun control policies aimed specifically at this group has been increasing as well. Assumption 5, is therefore, false to the extent that there is at least some significant *potential* for reducing homicide through measures aimed strictly at convicted felons. On the other hand, it remains to be seen whether these measures could be effectively enforced, how much substitution of non-prohibited weapons there would be, and how well private transfers (legal and illegal) of firearms from legal gun owners to felons could be prevented.

Conclusion

The social science evidence reviewed in this paper renders suspect some of the most crucial factual assumptions underlying arguments in favor of policies aimed at restricting the ownership of firearms. These assumptions have gone largely uncriticized and unquestioned by advocates of gun control measures and by social scientists working in the area of crime and violence. In this light, it is suggested that more thorough and rational evaluation of the potential consequences of suggested gun control policies is called for, with greater researcher attention being focussed on the issues we have discussed.

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4. THE BARTLEY-FOX GUN LAW'S SHORT-TERM IMPACT ON CRIME IN BOSTON

(By Glenn L. Pierce and William J. Bowers*)

[Article appearing in: Gun Control. *The Annals* of the American Academy of Political and Social Science, v. 455, May 1981.]

Abstracts: By making the illicit carrying of a firearm punishable with a one-year "mandatory" prison term, the Massachusetts (Bartley-Fox) gun law intervenes at what appears to be a critical juncture—from the standpoint of deterrent effectiveness and political feasibility—in the chain of decision that leads from the acquisition of a gun to its use in a crime. Drawing on FBI crime data, we employed interrupted time series techniques and multiple control group comparisons to examine the impact of the law on gun and nongun assault, robbery, and homicide. First, the law substantially reduced the incidence of gun assaults, but produced a more than offsetting increase in nongun armed assaults. Evidently, the law prevented some individuals from carrying and using their firearm, but it did not prevent them from becoming involved in assaultive situations and resorting to other weapons. Second, the law resulted in a reduction in gun robberies, accompanied by a less than corresponding increase in nongun armed robberies. In effect, weapons substitution effect for armed robbery was relatively less than for armed assault. Third, the law reduced gun homicides with no increase in nongun homicides. Thus the gun law produced a net decline in the incidence of criminal homicide. Finally, the timing of the law's impact suggests that it was the publicity about the law's intent rather than the severity or certainty of the punishments actually imposed under the law that was responsible for the observed reductions in gun-related crimes.

A comprehensive gun control strategy designed to reduce the incidence of gun-related crime would need to address the successive decision points leading to the use of a gun in crime: the decision to acquire a gun, the decision to carry it, and the decision to use it for criminal purposes. Existing gun control efforts have typically focused on one of these decision points at the exclusion of the other two.[1]

The approach that casts the broadest net is the one that attempts to restrict the acquisition of guns. This includes laws that regulate or limit the importation, manufacture, sale, transfer, ownership, and/or possession of firearms. Such laws will, in principle, reduce the pool of potential gun offenders; fewer people will be in a position to carry a gun or to use it for criminal purposes.

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[1] The recent New York state gun law that became effective in 1980 is an exception that focuses on both carrying and use of a firearm.

Opponents of acquisition control laws argue that, in practice, such laws will not stop serious criminals—presumed to be responsible for most gun crime—from acquiring, carrying, and using guns. Instead, they say, such laws will deprive law-abiding citizens of the guns they want and need for sport and self-protection. A testimony to the perceived need for guns is the estimated 85 to 125 million firearms in the hands of the American public—easily one gun for every two adult citizens and more than one for each household.[2]

At the other end of the spectrum are approaches aimed narrowly at the decision to use a gun for criminal purposes. Gun-use laws, commonly referred to as "weapon enhancement" statutes, typically impose an additional term of imprisonment for crimes committed with a gun. Michigan's "felony firearms statute" which adds a mandatory two years to the sentence imposed for offenses such as aggravated assault, armed robbery, forcible rape, and criminal homicide when they are committed with a gun is an example of this approach.[3]

A law of this kind is more attractive politically; it specifically targets the "criminal element," those who have been convicted of violent felony offenses. Consequently, organized gun interests have not strenuously opposed such statutes in states like California, Florida, and Michigan. But the effects of these weapons enhancement laws are doubtful. The most thoroughly studied of these statutes—the Michigan felony firearms law—shows no solid evidence of having reduced gun-related crime.[4] The problem with this approach may be that it targets too narrow a group of potential offenders who are too committed to criminal activity and too dependent on guns in such activity.

Perhaps the optimal approach from the standpoint of both deterrent effectiveness and political feasibility is the one that targets the decision to carry a gun outside of the home or place of business. It may be that a substantial proportion of those who become involved in gun-related crimes carry guns but do not anticipate the specific situations that will precipitate their use and do not have the time or presence of mind when confronted with these situations to weigh the punishment if caught against the immediate advantage of using a gun.

The Massachusetts legislature took this approach when it enacted the Bartley-Fox gun law, which mandated a one-year minimum prison term for the unlicensed carrying of firearms. The law was explicitly intended to reduce the incidence of gun-related crime as well as the illicit carrying of firearms. Thus when David Bartley, one of the law's framers, first submitted the bill to the Massachusetts House of Representatives, he stated that the purpose of the law was to halt "all unlicensed carrying of guns . . . and to end the temptation to use the gun when it should not even be available."

The law is unlikely to be effective against those who decide to carry a gun for a specific, short-term purpose, such as robbing a bank. The target group is rather those who carry guns on their persons or in their cars without specific criminal purpose in mind, but as a matter of life-style—those Beha has called the "casual carriers." [5] The cumulative risk of apprehension for such people may be substantial over an extended period of time, especially if police employ proactive search-and-seizure tactics.

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[2] James Wright, "The Recent Weapons Trend and the Putative 'Need' for Gun Control" (presented at the American Sociological Association, 1980).

[3] Colin Loftin and David McDowall, " 'One With a Gun Gets You Two' : Mandatory Sentencing and Firearms Violence in Detroit," *The Annals* of The American Academy of Political and Social Science, 455 :150–67 (May 1981).

[4] Ibid.

NOTE : This article is a revised version of a report entitled *The Impact of the Bartley-Fox Law on Gun and Non-Gun Related Crime in Massachusetts* by the present authors released in April 1979 by the Center for Applied Social Research, Northeastern University, Boston, Massachusetts, and supported by the National Institute of Justice, Contract No. 76–NI–99–0100.

The law confronted this group with a dramatic apparent increase in the legal risk associated with carrying a gun without a license. A concerted campaign for two months prior to the law's effective date characterized the impending consequences in the following terms, "If you are caught with a gun, you will go to prison for a year and nobody can get you out." Carrying without a license had previously been punished with a fine or suspended sentence, and only occasionally with a brief incarceration.

For its intended impact on gun-related crime, this kind of law may be said to rely upon a derivative deterrent effect. That is, by increasing the punishment imposed for one offense—carrying a gun without a license—the law is intended to reduce the incidence of other crimes: gun assaults, gun robberies, and gun homicides.

The Massachusetts gun law could, conceivably, have still further deterrent effects on gun assault, gun robbery, and gun homicide if offenders were charged for carrying without a license and had a year added to the sentence imposed for assault, robbery, or homicide.[6] Such an application of the law follows the model of a weapons enhancement statute. The available evidence suggests, however, that the approach will have little or no impact on gun-related crime.[7] Moreover, the publicity surrounding the implementation of the law gave no indication that it would be applied in this way, nor has this approach been adopted in subsequent practice to any noticeable degree.[8]

The Bartley-Fox Amendment became effective on 1 April 1975. Gun-related violent crime rates fell dramaticaly in Massachusetts between 1974 and 1976, suggesting that Bartley-Fox had an extraordinarily large deterrent effect. But before we accept this conclusion, it is necessary to rule out other possible explanations for the observed reductions in gun violence. Our rather extensive analysis of violent crime patterns in Massachusetts and other jurisdictions has convinced us that the Bartley-Fox law, and/or the publicity that attended its implementation, was indeed a highly effective deterrent—at least in the short run. The remainder of this article summarizes the evidence that has led us to this conclusion. We begin with an analysis of aggravated assault patterns, followed by robbery and then homicide. The discussion focuses on Boston, with only very brief synopses of our results for other jurisdictions in Massachusetts.

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[5] James A. Beha, III, "And Nobody Can Get You Out: The Impact of a Mandatory Prison Sentence for the Illegal Carrying of a Firearm on the Use of Firearms and the Administration of Criminal Justice in Boston, Part I–Part II," *Boston University Law Review*, 57 (1977).

[6] Since the punishments imposed for aggravated assaults, armed robbery, and criminal homicide are, respectively, more severe in that order (quite apart from the use of a gun), a flat or constant increment in punishment when a gun is used may be expected to reduce gun assaults most, gun robberies next, and gun homicides least. The proportional addition to (marginal utility of) the additional punishment corresponds to this ordering of the three crimes. The fact that homicides are largely assault and robbery precipitated adds a derivative deterrent component for gun homicides. And, the fact that punishments for the non-gun versions of assault, robbery, and homicide remain unaltered, adds a weapons displacement component for all three crimes, at least for potential offenders with a relatively high level of criminal intent. In effect, although punishments applied to carrying and to use may operate through different deterrence mechanisms, they lead, at least according to the logic of deterrence theory, to similar patterns of expected impact.

[7] Loftin.

[8] David Rossman, *The Impact of the Mandatory Gun Law in Massachusetts*. (National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, United States Department of Justice, 1979).

Armed Assault

A large proportion of assaults are the result of spontaneous arguments, which the antagonists are unlikely to have foreseen. Gun assults may typically be committed by those who are carrying guns without criminal intent and find themselves provoked or threatened. A law that dramatically increases the punishment for illicit carrying may cause a substantial proportion of these casual carriers to leave their guns at home, and thus may produce a substantial reduction in gun assaults.

To the extent that armed assault is situationally provoked rather than purposeful and preplanned, the removal of guns from the situations in which assault occurs cannot be expected to reduce the overall number of assaults. In assault-provoking situations, those involved will presumably resort to whatever weapons are available at the scene. Hence a reduction in the public's propensity to go armed with guns may increase the number of nongun assaults. Indeed, with fewer guns being carried into assault-prone situations, potential assaulters may feel less restrained, and hence the increase in nongun assaults could more than offset the decrease in gun assaults.

Our analysis of armed assault focuses on the complementary issues of deterrence and weapon substitution. The presentation of our results is organized into three parts: (1) an intervention point analysis, using Box-Jenkins techniques, to examine when and if the level of gun and nongun armed assaults change; (2) a control group comparison of changes in Boston against those in selected control jurisdictions; and (3) an analysis of the impact of the law on citizen reporting.

Intervention point analysis

The analysis draws upon statistical techniques originally formulated by Box and Jenkins[9] and more recently elaborated by Deutsch.[10] These statistical techniques are used in conjunction with monthly crime data to model the pre-Bartley-Fox history of gun and nongun armed assaults in Massachusetts. The parameters of the models, usually referred to as ARIMA models (Auto-Regressive-Integrated-Moving Average models) are estimated using a program (ESTIM) developed by Stuart Deutsch.[11] This procedure enables us to characterize the pre-Bartley-Fox history of gun and nongun armed assaults in terms of their long-term trends, seasonal cycles, and moving average and/or autoregressive components.[12] This information is then used to predict what future course of gun and nongun armed assaults would be if all factors affecting these two types of crime remained constant. We can test whether the actual observed crime trends after the gun law exhibit statistically significant departures from the predicted future of the crime time series based on its history prior to the policy intervention.

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[9] G. E. P. Box and G. M. Jenkins, "Time Series Analysis: Forecasting and Control" (San Francisco, CA: Holden-Day, 1977).

[10] S. J. Deutsch, "Stochastic Models of Crime Rates," ISYE Report Series, 77(15) Atlanta: Georgia Institute of Technology, 1977.

[11] Deutsch.

[12] For a detailed description of the estimation procedure used in this section, see Glenn L. Pierce and William J. Bowers, "The Impact of the Bartley-Fox Law on Gun and Non-Gun Related Crime in Massachusetts" (Boston, MA: Center for Applied Social Research, Northeastern University, April 1979), Appendix A.

A major advantage of this method is that the techniques are capable of incorporating the type of seasonal cycles that is often found in crime data. This is particularly important because seasonal fluctuations can obscure or be mistaken for immediate or short-term effects of policy intervention. When regular seasonal cycles are observed in the data, as has been the case with monthly assault statistics in Massachusetts, the information from Deutsch's ESTIM program is used to deseasonalize the data. After this step, the future of the time series is predicted in terms of its trend and ARIMA components.

For gun assault, we found that a stastically significant downward shift occurred in March 1975—the month prior to implementation of Bartley-Fox.[13] Since implementation was preceded by a vigorous publicity campaign of several months duration, it is not surprising to find evidence that the law began to influence behavior even before it was officially in effect. Our analysis found that the downward shift that occurred in March was sustained in subsequent months.

The same type of analysis yielded a statistically significant increase in nongun armed assaults in Boston, beginning in May 1975. We interpret this result as reflecting a tendency for people to substitute other weapons for guns in assault situations following implementation of the law.

A similar set of analysis for the remainder of Massachusetts demonstrated similar, though less pronounced, effects.[14]

Control group comparisons

As noted, intervention point analysis, by incorporating information on the pre-Bartley-Fox history of gun and nongun armed assaults, controlled for the effect of ongoing trends that might otherwise obscure or be mistaken for an impact of the law, or its publicity. These methods, however, do not control for those instances where exogenous events or socioeconomic factors intervene and result in departures from prior trends in crime. The Bartley-Fox law, of course, represents one such event, but the issue is to isolate the effects of the law from the effects of other possible factors.

To address this issue, we introduce control groups into our analysis. The importance of obtaining adequate control groups for this type of analysis is well articulated by H. Laurence Ross. He observes that "the literature of quasi-experimental analysis asserts that causal conclusions based only on the comparison of conditions subsequent to a supposed cause with those prior to a supposed cause are subject to a wide variety of rival explanations."[15] The control group design employed here allows us to compare the level of violent crime in Boston over time with the levels of crime in comparable jurisdictions over the same period.

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[13] This is not at all a necessarily surprising result. The Bartley-Fox law was preceded by a dramatic, and not completely accurate, two-month publicity campaign, designed to educate the public concerning the new consequences citizens faced for violating the Massachusetts gun law. Under these circumstances, it is quite possible that this publicity preceding the gun law's introduction on 1 April 1975 resulted in what Zimring has termed an "announcement" effect by creating in the minds of citizens and potential gun offenders the impression that the new law was actually in force prior to its effective date. If this were so, we might indeed expect the gun law, or more accurately its publicity, to have affected gun and nongun related assaults as early as February 1975.

[14] Glenn Pierce and William Bowers, "The Impact of Bartley-Fox Gun Law in Massachusetts" (to be published in Crime and Delinquency, 1982).

The logic of this type of analysis is, of course, strengthened to the extent that an investigator can select control groups that are truly similar. That is, we want to be able to identify control jurisdictions that would be subject to the same exogenous factors or shocks—except for the Bartley-Fox law—as those in Boston, Massachusetts.

Since Boston's population has averaged approximately 600,000 inhabitants over the last decade, as control jurisdictions we have selected cities in two size categories: 250,000 to 500,000 inhabitants and 500,000 to 1,000,000 inhabitants for the United States, the North Central region, and the Middle Atlantic states. There are no cities in this population range in New England other than Boston; the Middle Atlantic states have no cities with 500,000 to 1,000,000 residents. In addition, we have drawn on the set of all cities within a 750-mile radius of Boston and that are equal to or larger than Boston in population: Washington, D.C.; Baltimore; Philadelphia; New York; Cleveland; and Detroit. The Eastern Seaboard cities are especially important because they represent a set of cities which are linked by a highway network that some previous work indicates may influence the flow of new firearms.[16] The North Central cities were selected because of their similarity to Boston as northern industrial cities.

In addition to these control groups, we also selected Chicago as a control jurisdiction. Chicago serves a dual purpose because (1) it is a northern industrial city, although somewhat farther away than the other individual cities selected; and (2) along with Boston and Washington, D.C., it was chosen by the Alcohol, Tobacco, and Firearms Commission to be one of the sites for the Project CUE, an experimental program designed to reduce the illegal sale of firearms. This program was initiated in Boston and Chicago in July 1976 and in Washington, D.C., in February 1976. Thus Chicago—and Washington, D.C., to a lesser extent—becomes a useful reference point for measuring the impact of an alternative intervention (Project CUE) whose effects could be confounded with the Bartley-Fox law.[17]

Table 1 presents the comparison group analysis for Boston and its this table: (1) gun assaults per 100,000 inhabitants, (2) nongun armed assaults per 100,000 inhabitants, and (3) the percent gun assaults of all armed assaults for the years 1974, 1975, and 1976. This last measure, because it combines both potential deterrent and displacement effects, is a particularly sensitive indicator of the law's impact.

Turning to the analyses of gun assaults in Boston, we first examine Boston's change in gun assaults between 1974 and 1975 compared with

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[15] H. Lawrence Ross, "'Deterrence Regained: The Cheshire Constabulary's Breatholyser Blitz," J. Legal Studies, 4(L):244 (Jan. 1977).

[16] Franklin Zimring, critical review of Rossman et al., "The Impact of the Mandatory Gun Law in Massachusetts" (Office of Research and Evaluation Methods, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1980).

[17] Since CUE was an undercover operation explicitly directed at reducing illegal sale of guns, it, therefore, did not affect the existing pool of illegally owned firearms. It is somewhat doubtful that this program would impact gun-related crime in Boston during 1976. However, if CUE did have a fairly immediate impact, it ought to show results in both Boston and Chicago. Thus Chicago serves as a control for the potentially confounding of Bartley-Fox and Project CUE.

TABLE 1.—GUN ASSAULTS, NONGUN ASSULTS, AND PERCENTAGE OF GUN ASSAULTS OF ARMED ASSAULTS IN BOSTON IN COMPARISON TO CITIES GROUPED REGIONALLY AND FOR SELECTED EASTERN SEABOARD AND NORTH-CENTRAL CITIES

Regions	Gun assaults per 100,000			Nongun armed assaults per 100,000			Percentage of gun assaults of total armed assaults		
	Rate, 1974	Percentage change		Rate, 1974	Percentage change		1974	Percentage change	
		1974–75	1974–76		1974–75	1974–76		1974–75	1974–76
Boston	101.4	−13.5	−11.7	290.0	31.1	40.4	25.9	−27.6	−30.4
Comparison cities grouped regionally (250,000 to 500,000 inhabitants):									
United States without Massachusetts	108.1	6.7	3.1	181.3	9.3	17.5	37.4	−1.5	−8.7
North Central States	101.6	13.8	15.2	154.2	5.2	13.6	39.7	4.8	.8
Middle Atlantic States	57.4	4.8	−7.4	181.1	15.0	16.1	24.1	−6.9	−16.1
Comparison cities grouped regionally: (500,000 to 1,000,000 inhabitants):									
United States without Massachusetts	111.7	1.9	−7.5	178.5	3.4	5.0	38.5	−.9	−7.7
North Central States	120.9	7.6	−1.4	131.6	8.5	12.0	47.9	−.4	−6.6
Selected eastern seaboard and north central cities:									
New York	113.7	5.9	−.8	359.5	10.0	12.4	24.0	−2.8	−4.3
Philadelphia	80.3	−4.5	−21.3	158.7	−6.4	−17.3	33.6	1.3	−3.3
Baltimore	165.0	12.2	−5.2	493.2	−1.0	−7.5	25.1	9.3	1.9
Washington, D.C	142.0	3.9	−16.1	233.6	−.5	6.5	37.8	2.7	−14.3
Detroit	139.9	11.3	15.6	318.9	−.9	−1.2	30.5	8.3	11.2
Cleveland	244.0	−3.4	−13.3	135.7	3.8	−13.6	64.3	−2.6	2.0
Chicago	123.5	−8.2	−26.0	249.6	2.3	−5.9	33.1	−7.1	−15.4

the changes occurring in the selected comparison jurisdictions.[18] Between 1974 and 1975, Boston showed a 13.5 percent decline in gun assaults, a decrease greater than that occurring in any of the central jurisdictions. Indeed, of the control jurisdictions, only Chicago showed a decline in gun assaults approaching that of Boston: 8.2 percent versus 13.5 percent. In the following year, 1975 to 1976, however, Boston showed a slight increase in gun assaults while a number of the control groups showed declines. Over the two-year period following Bartley-Fox—1974 to 1976—Boston showed an overall decline in gun assaults of 11.7 percent. Unlike the first year change, 1974 to 1975, where Boston showed the greatest decrease, 4 of the 13 control jurisdictions—Philadelphia, Washington, D.C., Cleveland, and Chicago—showed a two-year decline greater than that of Boston.

The pattern of these results—a one-year decline greater than that occurring in the control jurisdictions followed by a slight upturn in gun assaults—raises the question of whether the duration of the Bartley-Fox impact was short-termed, lasting perhaps less than a year. We do not, however, believe this is the case. First, we shall present evidence shortly that indicates that the Bartley-Fox law's effect on the actual incidence of gun assaults may have been particularly obscured by a concomitant effect of the law on citizens' reporting of gun assaults to police. Second, the remaining comparison group analysis for Boston, with regard to nongun armed assaults and the percentage of armed assaults in which guns were used, provides strong evidence for the proposition that the impact of Bartley-Fox extended through 1976, the final year of this analysis.

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[18] Examinations of these changes on an annual basis potentially make the 1974 to 1975 change a conservative test because the Bartley-Fox law was implemented on April 1, 1975, with March as the empirically determined intervention point for gun assaults (Table 1).

Looking at nongun armed assaults, we find that Boston shows a 31.1 percent increase between 1974 and 1975 and a 40.4 percent increase over a two-year period, 1974 to 1976. Importantly, these increases are more than twice those exhibited by any of the control jurisdictions. It should be noted that Boston's increase in nongun armed assaults may not have been entirely a function of displacement effects. Indeed as noted, some control jurisdictions showed increases in nongun armed assaults of 17 and 16 percentage points. Thus it is possible some of Boston's 40.4 percent increase in nongun armed assaults would have occurred as part of an ongoing increase in assaults. This also suggests, however, that Boston might have experienced an increase in gun assaults in 1975, rather than the decline that actually occurred following Bartley-Fox.

Examination of the measure that combines potential deterrent and weapon substitution effects shows that the weapon-related character of armed assaults in Boston changed following Bartley-Fox. Between 1974 and 1975—the first year following Bartley-Fox—the percent that guns represented of all armed assaults in Boston dropped from 25.9 percent to 18.8 percent. This decrease was almost four times greater than that shown by any of the control jurisdictions. In the two-year period—1974 to 1976—Boston showed a 30.4 percent decline in the percentage that gun assaults represent of armed assaults versus a maximum 16.1 percent decline occurring in the control group.

A similar analysis of the remainder of Massachusetts, not reported here, demonstrated qualitatively similar findings.[19]

Review of the impact on assault findings reveals a strong pattern of evidence supporting the hypothesis that the Bartley-Fox law reduced the likelihood of gun assault in Massachusetts. When the first year—1975—following the introduction of the law was examined, we found that relative to each of the control jurisdictions in both Boston and non-Boston Massachusetts communities, (1) gun assaults decreased, (2) nongun armed assaults increased, and (3) the percent that gun assaults represent of all armed assaults declined. In the two years following Bartley-Fox—1974 to 1976—this same pattern of results held up with one exception: between 1974 and 1976 gun assaults in 4 of Boston's 12 control jurisdictions showed larger declines than Boston had exhibited. Thus in 5 of 6 possible comparisons made, the results consistently indicate that the gun law affected the character of armed assault in Massachusetts.[20]

The statistics in Table 1 suggest the rather surprising conclusion that the weapon substitution effect of of Bartley-Fox was larger than the deterrent effect—that is, the increase in nongun assaults more than compensated for the reduction in gun assaults. However, closer scrutiny of these data have convinced us that deterrent effects of the law are underestimated in Boston. Implementation of the Bartley-Fox law and its attendant publicity appears to have increased the likelihood of citizens' reporting gun assaults. We present the evidence for this conclusion in the next section.

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[19] Pierce and Bowers.

[20] This refers to the comparisons made with each of three indicators we have examined for the gun law impact: (1) gun assault, (2) nongun assault, and (3) the percent that gun assault represents of all the assaults in the first year (1974–75) and in the two years (1974–76) following the Bartley-Fox law.

Impact on citizen reporting: more refined measurement of gun assaults

As Richard Block has noted, the citizen's decision to notify the police of a crime is based, in part, on a victim's "calculation of the benefits derived from notification and the costs incurred." [21] For example, a victim may think he has something to gain by reporting an assault if he believes that the police can actually catch and punish an offender.

The Bartley-Fox law may have altered the likelihood that citizens will report gun crimes, particularly gun assaults, to the police. Compared with robberies or murders, assaults are a relatively ambiguous category of offenses. That is, in some cases it may not be altogether clear to the average citizen whether a legally punishable assault has actually occurred. Particularly in cases where a victim has been threatened with the visible display of a deadly weapon, but where no injury has occurred, the citizen may not be sure that such an action constitutes a criminal assault that the police and courts will take seriously. The Bartley-Fox law may have signaled the public that any crime involving a gun was serious and would be treated as such by the criminal justice system.

We would expect that any tendency of the law to increase citizens' reporting of gun assaults would be concentrated on the less serious forms of gun assault that involved threats rather than injuries. Empirical research bears out this observation. Richard Block found that assault victims who have been hospitalized or have received medical attention are significantly more likely to report the crime to the police than victims who were not injured.[22] Thus more accurate estimates of the deterrent effect of the gun law on assaultive behavior—unbiased by possible changes in citizens' reporting behaviors—could be obtained by isolating for analysis those gun assaults where an injury has been incurred.

This line of analysis cannot, however, be pursued using the FBI's Uniform Crime Reports (UCR) statistics because the UCR definition of an armed assault combines into one category: (1) assaults that involve only threats or attempts to inflict "bodily harm" on a victim and (2) assaults in which the victim actually has been injured. With statistics based on the UCR definition of assault, then, it is not possible to separate gun assaults that are threats from those that result in injury.

Fortunately, the Boston Police Department's (BPD) computerized crime statistics provide more refined categories of gun assaults than are available in the UCR data. Specifically, using BPD data, we can independently examine gun assaults with battery and gun assaults without battery. Under Massachusetts law, assault with battery indicates that some type of force has been used on the victim. In the case of a gun assault, this would mean that the victim had in some manner been struck with either a bullet or a gun. In contrast, an assault without battery simply means that an offender has attempted to injure or has threatened to injure his victim, but has not inflicted any physical harm. Table 2 presents BPD statistics on gun assaults involving battery and those without battery.

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[21] Richard Block. "Why Notify the Police: The Victims Decision to Notify the Police of an Assault," *Criminology*, 4(2):555 (Feb. 1974).

[22] Block.

TABLE 2.—GUN ASSAULTS WITH BATTERY AND WITHOUT BATTERY IN BOSTON FOR THE PERIOD 1974 TO 1976

	1974	1975	1976	1974–76, percentage change
Gun assaults involving battery:				
Number	329	289	207	
Percentage change		−12.2	−24.9	−37.1
Gun assaults without battery:				
Number	266	236	339	
Percentage change		−10.3	+43.6	+27.4
Proportion of gun assaults which involved battery:				
Proportion	55.3	55.0	37.9	
Percentage change		−0.5	−31.1	−31.5

The top row of figures in Table 2 presents the annual number of gun assaults with battery in Boston from 1974 through 1976. This is the category that research suggests should be less subject to changes in reporting behavior. Notably, while UCR Boston gun assault statistics (Table 1) show only a 11.7 percent decline between 1974 and 1976, BPD gun assaults with battery—that is, those most likely to involve injury—show a 37.1 percent decline over this same period. Thus the subcategory of gun assaults with battery showed a decrease in the two years following the introduction of the Bartley-Fox law more than three times the decrease exhibited by the UCR gun assault statistics, which groups gun assaults both with and without battery into one category.

Note further that in the two years after the introduction of the law, the number of gun assaults without battery actually increased and that the increase was concentrated between 1975 and 1976. Thus it would appear that the pattern of reported gun assaults in Table 1, especially the increase between 1975 and 1976 in Boston, occurs in the category of assaults without battery, which is more subject to reporting biases. Although the specific dynamic underlying the increase in incidence of less serious forms of gun assault in Boston is unclear, it seems likely that the increase is a result of some change in citizens' willingness to report gun assaults.

If we rely on Boston's battery gun assault statistics for our estimate of the deterrent impact of the gun law in Boston, we find, as noted previously, that Boston showed a 37.1 percent decline in the level of gun assaults between 1974 and 1976. It is important to note that using this revised estimate of the gun law's impact, we find that Boston's two-year decline in gun assaults is 30 percent greater than exhibited by any of Boston's control jursdictions in Table 1.

Conclusions of the assault analysis

The introduction of the Bartley-Fox gun law had a twofold effect on armed assaults in Massachusetts. First, the law substantially reduced the incidence of gun assaults in Boston and other Massachusetts communities. Importantly, the decline in gun assaults in Boston appears to have started one month prior to the introduction of the law—suggesting that offenders initially were responding to the publicity attendant with the gun law implementation. Second, the gun law also apparently resulted in a substantial increase in nongun armed assaults. Thus while the law appears to have deterred some individuals from carrying and/or using their firearm, it appears not to have encouraged these individuals to avoid assaultive situations.

The law also appears to have increased the likelihood of citizens reporting less serious forms of gun assaults to the police; at least in Boston this phenomenon tended to obscure the deterrent effect of the law on gun assaults.

Armed Robbery

As with our analysis of the Bartley-Fox law's impact on armed assaults, the armed robbery analysis will examine the dual questions of deterrence and weapon substitution. Specifically, we shall examine whether the gun law resulted in a reduction in gun robberies and whether this change was offset by corresponding increases in robberies with other types of weapons.

The analysis will also compare the relative magnitude of potential deterrence and weapon substitution effects for robbery with those observed in the assault analysis. To the extent that robbery is more often the result of planned purposeful action than is assault, we would expect a law like Bartley-Fox to have less deterrent impact on robbery because this law is specifically aimed at the carrying rather than the using of a firearm. Under these circumstances, individuals who carry firearms with a specific use in mind have relatively less to lose than offenders who are not planning to assault or to rob someone. Quite simply, although the costs are the same in terms of the gun law—a one-year prison term—the benefits of carrying a gun are less for the person who carries a gun, but who has no specific anticipated use for it.

Compared with assault, we also expect the magnitude of the displacement effects to be less. The logic behind this hypothesis is straightforward.[23] Robbery with a gun is generally a much easier task than robbery with other types of deadly weapons, unless an offender chooses to rob highly vulnerable targets. However, there is also a disincentive to switch to more vulnerable targets because these also tend to be much less lucrative, for example, a street robbery of an elderly person is generally much easier but also less lucrative than a robbery of a drug store.

Control group comparisons

Data restrictions prevent our conducting an intervention point analysis of gun and nongun armed robberies. The UCR program only began classifying armed robbery into gun and nongun categories in 1974. The Box-Jenkins statistical techniques employed in the analysis of gun and nongun armed assaults require a minimum of five years of monthly preintervention data in order to model pre-Bartley-Fox crime trends.[24]

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[23] Philip J. Cook, "The Effect of Gun Availability on Violent Crime Patterns," *The Annals* of The American Academy of Political and Social Science, 455:63–79 (May 1981).

[24] Two independent studies analyzed the impact of the Bartley-Fox law on armed robbery in Boston, using the Box-Jenkins techniques: Stewart Deutsch, "The Effect of Massachusetts Gun Control Law on Gun Related Crimes in the City of Boston," *Evaluation Quarterly,* 1(4) (1977); and Richard A. Hay, Jr., and Richard McCleary: "Box-Tiao Time Series Models for Impact Assessment," *Evaluation Quarterly*, 3(2) (May 1979). Armed robbery, however, is not a necessarily useful indicator of the Bartley-Fox law's impact on crime. Indeed, to the extent that deterrent effects of the law on gun robberies are offset by weapon substitution effects of the law on nongun armed robberies, we would expect to find no net effect of the law on armed robberies.

The available data are sufficient, however, for a comparison group analysis. As in the assault analysis, we examined the law's impact on (1) gun robbery, (2) nongun armed robbery, and (3) the percent that gun robbery represents of all armed robbery for Boston.

Table 3 presents annual statistics for Boston and its control jurisdictions on gun assaults, nongun armed assaults, and the percent that gun assaults represent of all armed assaults. When we initially examined Boston's first-year (1974 to 1975) post-Bartley-Fox change in gun robbery, there appeared to be little evidence of an immediate deterrent effect of the law. Indeed, between 1974 and 1975, gun robberies declined by only 1.8 percent in Boston. However, when Boston's first change in gun robberies—-1.8 percent—is compared to the changes occurring in the control jurisdictions, we find that in 9 of the 12 sets of control jurisdictions, gun robberies increased more than they did in Boston. Thus although the law failed to reduce the level of gun robbery in Boston between 1974 and 1975, it may have been responsible for suppressing what would have been a substantial increase.

This impression is reinforced when the two-year (1974 to 1976) post-Bartley-Fox change in gun robbery is examined. Between 1974 and 1976, Boston showed a 35.5 percent decrease in gun robberies. Boston's two-year post-Bartley-Fox decline was exceeded by only 2 of the 12 control groups: Philadelphia, 36.7 percent, and Chicago, 43.5 percent.

The preceding interpretation, of course, remains quite tentative because several of Boston's control jurisdictions showed declines in gun robbery, similar to or greater than those exhibited by Boston. As in our armed assault analysis, however, we do not analyze the effect of the Bartley-Fox law on gun robberies separately from the analysis of the law's potential effect on nongun armed robberies.

TABLE 3.—GUN ROBBERIES, NONGUN ROBBERIES, AND PERCENTAGE OF GUN ROBBERIES OF ARMED ROBBERIES IN BOSTON IN COMPARISION TO CITIES GROUPED REGIONALLY AND FOR SELECTED EASTERN SEABOARD AND NORTH CENTRAL CITIES

	Gun robberies per 100,000			Nongun armed robberies per 100,000			Percentage of gun robberies of total armed robberies		
		Percentage change			Percentage change			Percentage change	
Region	Rate, 1974	1974–75	1974–76	1974	1974–75	1974–76	1974	1974–75	1974–76
Boston	363.4	−1.8	−35.5	319.7	32.4	+6.3	53.2	−14.0	−23.2
Comparison cities grouped regionally, 250,000 to 500,000 inhabitants:									
United States without Massachusetts	194.2	4.9	−11.8	74.2	−.8	−3.9	72.4	1.5	−2.4
North Central States	181.1	4.0	−20.9	73.0	−18.0	−19.5	71.3	6.5	−.5
Middle Atlantic States	179.7	17.5	−5.5	145.4	6.7	−4.1	55.3	4.3	−.5
500,000 to 1,000,000 inhabitants:									
United States without Massachusetts	249.9	7.3	−12.1	80.9	5.3	−4.1	75.5	.5	−2.2
North Central States	300.9	24.3	.1	83.6	18.5	−.8	78.2	1.0	.2
Selected eastern seaboard and north central cities:									
New York	326.4	6.5	8.4	391.2	9.8	−4.9	45.5	1.6	1.8
Philadelphia	229.6	−5.1	−36.7	99.9	9.4	−17.9	69.7	−4.4	−8.3
Baltimore	422.1	--5.1	−30.0	184.0	−4.0	−15.1	69.9	−.3	−6.1
Washington, D.C	570.4	12.1	−13.2	90.6	6.6	−10.9	86.3	.6	−.4
Detroit	767.6	22.3	32.4	38.7	19.6	32.3	95.2	.1	0
Cleveland	492.9	25.9	−2.0	59.8	16.9	5.5	89.2	.8	−.8
Chicago	414.9	−20.6	−43.5	136.6	0	−5.8	75.2	−6.1	−14.2

Indeed, analysis of Boston's nongun robbery statistics (Table 3) reveals strong evidence indicating substantial first-year (1974 to 1975) displacement effects. In the first year following the Bartley-Fox law, we find nongun armed robberies in Boston increased by 35.4 percent between 1974 and 1975—an increase of 40 percent greater than that occurring in any of the control jurisdictions.

One measure—the fraction of robberies involving guns—incorporates both the potential deterrent and displacement effects by the law, and hence is an especially sensitive indicator of the gun law's impact. When this measure is examined, Boston unambiguously shows the greatest post-Bartley-Fox change in the weapon-related character of armed robbery. In the first year following Bartley-Fox—1974 to 1975—the percent that gun robbery represents of all armed robbery declined in Boston by 14 percent—a decline twice that shown in any of the control jurisdictions. In the two-year period—1974 to 1976—following Bartley-Fox, Boston showed a 23.3 percent decline versus a maximum 14 percent decline—Chicago—shown in any of the control jurisdictions.

Conclusions on armed robbery

The introduction of the Bartley-Fox law appears to have resulted in a short-term reduction in gun robberies throughout the city of Boston, Massachusetts. The decrease in gun robberies also appears to have been accompanied by an increase in nongun armed robberies. The magnitude of the displacement effect for armed robbery appears to be less than we observed for armed assault.

Finally, due to data contingencies and time limitations, our conclusions with regard to robbery are more tentative than they are for assault: (1) historical data on gun robbery is unavailable prior to 1974 and (2) a refined analysis of the impact of the Bartley-Fox law on the reporting of gun robbery using BPD data has not yet been conducted.

Criminal Homicide

To the extent that homicide is a function of an offender's premeditated willful intention to kill his victim, we would have little reason to expect that the Bartley-Fox law would deter gun-related homicides. The assumption is that an offender who is willing to risk the legal sanction for murder would also be willing to risk the sanction for a Bartley-Fox offense. On the other hand, if as Richard Block proposes, homicides occur not primarily as a result of an offender's planned determination to kill, but rather as something that sometimes happens as the unanticipated consequence of other criminal or life-style activities,[25] then the introduction of the gun law might have a derivative deterrent effect on gun homicide. That is, the gun law might prevent some gun-related homicides by affecting the decision that potential offenders make regarding whether or not to carry a firearm, and/or whether or not to use a firearm to commit a robbery or an assault.

Indeed, we have aleady observed that the Bartley-Fox law appeared to reduce gun-related assaults and robberies throughout Massachusetts. Thus we should not be surprised if gun-related homicides also show a decline following the Bartley-Fox law.

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[25] Richard Block, "Violent Crime: Environment, Interaction and Death" (Lexington, MA: Lexington Books, 1977).

TABLE 4.—GUN HOMICIDES, NONGUN HOMICIDES, AND PERCENTAGE OF GUN HOMICIDES OF ALL HOMICIDES IN BOSTON IN COMPARISON TO CITIES GROUPED REGIONALLY AND FOR SELECTED EASTERN SEABOARD AND NORTH CENTRAL CITIES

Regions	Gun homicides			Nongun homicides			Percentage of gun homicides of all homicides		
	Rate, 1974	Percentage change 1974–75	Percentage change 1974–76	Rate, 1974	Percentage change 1974–75	Percentage change 1974–76	1974	Percentage change 1974–75	Percentage change 1974–76
Boston	70	−21.4	−55.7	64	0	−20.3	52.2	−11.5	−27.6
Comparison cities grouped regionally (250,000 to 500,000 inhabitants):									
All U.S. cities except Boston	3,140	−6.5	−23.0	1,379	+9.3	−.7	69.5	−4.9	−8.2
North Central cities	470	−9.1	−26.1	139	+3.4	−5.7	77.2	−9.7	−9.1
Middle Atlantic cities	164	−.6	−28.0	171	−1.3	−11.6	49.0	6.9	−10.4
Selected eastern seaboard and north central cities:									
New York	794	9.1	−2.5	822	.2	3.0	49.1	4.3	−2.9
Philadelphia	248	−24.2	−32.7	171	−4.1	−13.5	59.2	−9.8	−10.5
Baltimore	204	−23.5	−45.6	90	15.6	−4.4	69.4	−13.5	−18.9
Washington, D.C	170	−14.7	−30.6	106	−16.0	−33.0	61.6	.6	1.3
Detroit	510	−14.7	−3.5	200	−13.5	−12.5	71.8	−.4	2.8
Cleveland	254	−15.7	−34.6	52	42.3	−11.5	83.0	−10.5	−5.7
Chicago	668	−17.4	−25.0	301	−11.3	2.7	68.9	−2.2	−10.2

There also appears to have been an increase after the law in nongun armed assaults and, to a lesser extent, nongun armed robberies. However, for at least two reasons, we also do not expect to find similar displacement effects for criminal homicides: (1) we would expect to find that an increase in nongun armed assaults or robberies did not result in a proportionate increase in nongun criminal homicides because guns are likely to be more deadly than other types of weapons and (2) offenders who switch from guns to other deadly weapons may generally be those offenders who are least intent upon physically harming their victims. Thus an increase in the use of other deadly weapons by these offenders might very well not result in an increase in homicides.

Comparison group analysis

As in the robbery and assault analyses, we will compare homicide trends for Boston with those in selected control jurisdictions. We have selected as our control jurisdictions grouped into communities of 250,000 to 1,000,000 inhabitants for the Middle Atlantic states, the North Central states, and all United States cities, except Boston. In addition, we also included the selected Eastern Seaboard and North Central cities included in the assault and robbery analyses.

Criminal homicide statistics for Boston and the control jurisdictions are presented in Table 4. We first examine the impact of the Bartley-Fox law on gun-related homicide. In the first year—1974 to 1975—following the gun law's implementation, gun homicide in Boston declined by 21.4 percent—a decrease greater than any of the jurisdictions experienced except Baltimore. In the two years—1974 to 1976—after Bartley-Fox, gun homicides in Boston declined by 55.7 percent—a decrease greater than that exhibited by any of the control jurisdictions. Thus it appears that the Bartley-Fox law in the short-term prevented some gun-related homicides in Boston.

We, of course, want to address the issue as to whether the Bartley-Fox law also produced displacement effects similar to those observed for nongun armed assaults and to a lesser extent nongun armed robberies. However, when nongun criminal homicides for Boston are examined we find that in the two years—1974 to 1976—following Bartley-Fox, nongun homicides actually dropped in Boston by 20.3 percent. Moreover, only one of the control jurisdictions—Washington, D.C.—exceeded this decline while several other jurisdictions experienced decreases in nongun criminal homicide ranging between 1.5 percent and 13.5 percent. Thus we find no evidence suggesting a displacement effect of the Bartley-Fox law on nongun criminal homicide.

The pattern of impact where gun homicides appear to have been deterred while nongun homicides do not appear to have increased has important implications because it suggests that the Bartley-Fox law may have had an overall effect of reducing incidence of criminal homicides in Boston, at least in the short run. Indeed, if the gun homicide and nongun homicide statistics in Table 4 are added together, we can see that the overall level of criminal homicides showed a greater decline in Boston—38.8 percent—than in any of the control jurisdictions in the two years following the introduction of the gun law.

Finally, further evidence of the Bartley-Fox law's impact on criminal homicide in Boston is available when the percent of gun homicides (Table 4) is studied. Here we find that between 1974 and 1976, Boston showed a greater decrease in this measure than any of the control jurisdictions.

Criminal homicide conclusion

The Bartley-Fox law appears to have in the short run deterred some gun-related criminal homicides in Boston, but the law does not appear to have resulted in an increase in nongun criminal homicides. We concluded that the gun law caused an overall decline in the incidence of criminal homicide in the first two years of its implementation.

Conclusion

This analysis has focused on the Bartley-Fox law's impact on armed assault, armed robbery, and homicide. For each type of crime, we independently examined the law's impact on gun-related offenses and nongun-related offenses in Boston.

Introduction of the gun law had a twofold effect on armed assaults. First, the law substantially reduced the incidence of gun assaults. Second, it resulted in a substantial increase in nongun armed assaults. Thus while the law appears to deter some individuals from carrying and/or using their firearms, it did not prevent them from using alternative weapons in assaultive situations.

Introduction of the Bartley-Fox law also resulted in a short-term reduction in gun robberies, and a concomitant increase in nongun armed robberies. However, the magnitude of the weapons substitution effect for armed robbery appears to be less than what we observed for armed assault.

The law also deterred some gun-related criminal homicides in Boston, but did not result in a corresponding increase in nongun criminal homicides. Thus the gun law produced an overall decline in the incidence of criminal homicide.

Our analysis also suggests that the law may have achieved its effect primarily through its "announced" intent, rather than its actual implementation. Importantly, in the assault anlysis where the effects were most pronounced, we observed that the decline in gun assault in Boston started one month prior to the effective date of the law—suggesting that offenders, at least initially, were responding to the publicity attendant with the introduction of gun law rather than mandatory imposition of its sanctions. Hence, we conclude that the observed reduction in gun crime was the result of an announcement effect,[28] rather than the product of sanctions actually imposed—the traditional definition of a deterrent effect. In research presently underway, we address the matter of separating the announcement and deterrent effects of the law.

For this reason, we draw no conclusions about the effect of the "mandatory" nature of the law. That is, the observed effects of the law do not depend on its having been applied in a manadatory fashion. At this point in our analysis, we simply know that it was advertised as imposing a "mandatory one-year prison term."

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[28] It should be noted that if gun assault, gun robbery, and gun homicide rates for 1974 in Boston were abnormally high, the results shown in table 2–5 would tend to exaggerate the deterrent effect of the Bartley-Fox law. That is, the subsequent reduction in these rates could be a "regression to the mean" or a return to levels more consistent with the previous history of these offenses. However, this appears not to be the case, at least for gun assault and gun homicide. For example, linear projections of gun homicides and gun assaults based on the year 1970 through 1973 yield predicted 1974 levels of 81 and 97.1 for gun homicides and gun assaults, respectively, versus their observed levels of 70 and 101.4. A more detailed analysis of this issue will be presented in our subsequent work (Pierce and Bowers).

5. WEAPONS, CRIME, AND VIOLENCE IN AMERICA

(By James Wright and Peter H. Rossi, Social and Demographic Research Institute, University of Massachusetts, Amherst, Mass.)

[Executive Summary and two chapters from a study supported and published by the National Institute of Justice, U.S. Department of Justice. Weapons, Crime, and Violence in America. November 1981]

a. Executive summary

[The research summarized in this Executive Summary was supported by a grant (No. 78-NI-AX-0120) from the National Institute of Justice, United States Department of Justice, Washington, D.C. Findings, interpretations, opinions, and conclusions expressed here, however, are those of the authors and do not necessarily reflect or represent the views of the finding agency.]

Abstract

This Summary highlights key findings, results, and recommendations from a two-year research study on "weapons and violent crime" conducted by the Social and Demographic Research Institute, University of Massachusetts, Amherst. The project consisted of three major parts: a comprehensive review of existing literature and an accompanying annotated bibliography; a survey focused on weapons and crime data gathered and archived by the United States police; and an analysis of the effects of weapons use on felony case disposition in Los Angeles.

I. *The Literature Review.*—The review covers all major research literatures related to weapons and weapons use in the United States, both licit and illicit. The existing stock of private firearms (as of 1978) is estimated at 120±20 million guns, an increase of some 40 million over ten years. Growth in the number of U.S. households, increased sport and recreational demand, additional weapons purchases by families already owning one or more guns, and enhanced small arms demand among the U.S. police appear to account for most or all of the 40 million gun increase. Despite a common hypothesis, there is no good evidence that the fear of crime and violence was a very important factor.

Roughly three-quarters of the private firearms stock is owned primarily for sport and recreation; the remainder, for protection and self-defense. Ownership for sport and recreation is essentially a cultural phenomenon, a product of early childhood socialization. Relative to non-owners, gun owners tend to be male, rural, Southern, Protestant, affluent, and middle class.

There appear to be no strong causal connections between private gun ownership and the crime rate. Crime may be a motivating factor in the purchase of some protective weapons, but these constitute no more than about a quarter of the total private stock. There is no compelling evidence that private weaponry is an important cause of, or a deterrent to, violent criminality.

Over the past two decades, the trend in all categories of violent crime is upward. Crime rates peaked in the early 1970's and have been more or less stable since (through 1978). Approximately 30,000 deaths occur annually as the result of accidental, homicidal, or suicidal uses of guns. Studies of "crime guns" confiscated by police confirm that they are predominantly handguns; a sizable fraction enter criminal channels through theft from residences; many are found to have crossed state lines before their use in crime.

It is commonly hypothesized that much criminal violence, especially homicide, occurs simply because the means of lethal violence (firearms) are readily at hand, and thus, that much homicide would not occur were firearms generally less availbale. There is no persuasive evidence that supports this view.

Majorities of the U.S. population have favored licensing or registration of private firearms, especially handguns, for as long as pollsters have asked the question. Measures substantially more strict than these (for example, bans on the ownership of handguns), however. do not enjoy majority support.

There are roughly 20,000 "gun laws" already on the books; the wide variability of provisions across jurisdictions tends to vitiate the effects of these laws. In general, evaluation studies of the effects of gun laws on crime tend to show that these effects are modest or non-existent, although there are some apparent exceptions to this conclusion.

II. *The Police Department Survey.*—A probability sample of U.S. police departments was surveyed by mail; the response rate was approximately 70 percent. All departments generate extensive and detailed information on weapons use in crime, and most departments see weapons crime as an important part of their overall crime problem. Most departments now gather and maintain, in some form, the data necessary to generate annual statistical reports on gun crime in their jurisdictions. However, the data gathering and management practices in some departments are highly inefficient towards this end, and in general, departments are *not* enthusiastic about additional reporting requirements. Most departments have direct access to, and make frequent use of, the NCIC weapons tracing service; usage of the BATF system, in contrast, is rare. In general, we conclude that police records on weapons and crime are a potentially fruitful and, so far, underexploited resource for weapons and crime information.

III. *The Los Angeles Study.*—The project acquired Prosecutor's Management Information System (PROMIS) data from Los Angeles on 80,000 felony arrests for an eighteen-month period. About 14 percent of these felonies involved a gun; an additional ten percent involved some other weapon. Holding other relevant variable constant, we find that gun offenders receive harsher treatment at all stages of court processing: they are less likely to be dismissed at initial screening, more likely to be arrainged and formally charged, and, upon conviction, tend to receive substantially longer prison sentences. These findings generally replicate the Cook-Nagin (1979) study of weapons offenders in the Washington, D.C., courts.

Weapons and Violent Crime: Executive Summary

I. Foreword

In 1979 and 1980, the Social and Demographic Research Institute (University of Massachusetts, Amherst), under a grant from the U.S. Department of Justice, conducted a broad-ranging research project on the topic of weapons, crime, and violence in the contemporary United States. Findings, results, and recommendations from the project are contained in a series of four Research Reports:

I. James Wright, Peter Rossi, Kathy Daly, and Eleanor Weber-Burdin. *Weapons, Crime and Violence in America: A Literature Review and Research Agenda.*

II. James Wright, Huey Chen, Joseph Pereira, Kathy Daly, and Peter Rossi. *Weapons, Crime, and Violence in America: An Annotated Bibliography.*

III. Eleanor Weber-Burdin, Peter Rossi, James Wright, and Kathy Daly. *Weapons Policies: A Survey of Police Department Practices Concerning Weapons and Related Issues.*

IV. Peter Rossi, Eleanor Weber-Burdin, and Huey Chen. *Effects of Weapons Use on Felony Case Disposition: An Analysis of Evidence from the Los Angeles PROMIS System.*

Here, we summarize the design and rationale for the project as a whole, discuss the main research findings, and highlight the conclusions and recommendations set forth in the various Research Reports.

Several notes of caution regarding this Summary are in order. First, the Summary is a representation in about forty pages of a set of reports that run, in total, to well over a thousand pages. What is said here, in short, is very much less than what needs to be said about all topics covered. This Summary is thus adequate as a map to the contents of the Research Reports, but not as a substitute for them.

Most of the empirical findings discussed here are distillations from the reported results obtained in other research. In a few cases, the available research converges quickly and sharply on a substantive conclusion; in most cases it does not. Indeed, contradictory evidence and inconsistent interpretations of evidence are distinguishing characteristics of this literature. In all cases, the conclusions summarized here are those we find most justifiable given the present state of knowledge and research. In many cases, however, the band of uncertainty around these conclusions is quite broad.

While the existing literature on weapons, crime, and violence is voluminous, many important topics have not been adequately researched, and some have not been researched at all. For this reason, many of our conclusions are cast in essentially negative terms; for example, "There is no compelling evidence that . . ." or "There is little empirical support for the idea that . . ." It is therefore critical to emphasize that the absence of evidence *cannot* be taken as evidence of absence, a well-known although often forgotten methodological point.

To illustrate, we conclude that there is little or no compelling evidence to support the hypothesis that the recent increase in private armament in the U.S. has been a result of fears about crime and violence. This is *not* to conclude that fear of crime and violence played no role in the "domestic arms buildup," but rather that no one has yet shown this to have been the case. There is every difference between concluding that the appropriate research has not been conducted, and concluding that appropriate research was done but reported negative results. It is a serious error to mistake the former conclusion for the latter.

"What to do about guns" and "what to do about crime" are hotly contested, indeed inflammatory, political issues, and no amount of scholary research, however well-conceived, will ever lay them to rest. In the conduct of this project, we have tried to put aside our own biases and give all the evidence on both sides a fair and impartial hearing. For the record, one of us (Wright) has previous publications that reflect a fairly obvious pro-gun-control stance.[1] At least some reviewers of the present project claim to detect the same bias here. Indeed, one found "an anti-gun bias which slips in constantly" that "overrides logic and professional objectivity." At the same time, other reviewers have reported considerable distress about the apparent "pro-gun bias" in our present reports. That reviewers "detecting" the anti-gun bias have all been strongly affiliated with the pro-gun lobby, and those "detecting" the pro-gun bias all strongly affiliated with the anti-gun lobby, suggest to us that we have probably come closer to an objective treatment than ideologues on either side are willing to admit.

Readers looking for recommendations about firearms or crime policies at either local, state, or Federal levels will be disappointed. It is neither our purpose nor our expertise to "advise" on matters of national policy in these areas. Our purpose, rather, was to evaluate the existing stock of information about weapons, crime, and violence in the society, to note the conclusions that seem adequately supported by existing research and those that do not, and to recommend to the National Institute of Justice an agenda for future research in the area. Thus, this Summary, and the Research Reports on which it is based, are oriented more heavily toward research than toward social policy issues. We review in great detail studies of the effects of laws that have been passed before, and we review the existing poll evidence on what laws the public think ought to be passed, but we do not make any recommendations about what laws we think ought to be passed or about any other aspect of firearms and crime policy.

II. Overview of the project

The control of civilian armament and the control of crime and violence in the society are important public policy issues. Here as elsewhere, policy formation and implementation are best undertaken from a sound information base. This is especially true in policy areas that are highly politicized and hotly contested, as in the present case. When the lines of political battle are sharply drawn, society runs the risk of basing policies on emotive imagery and facile assumptions, and in the process needlessly alienating some segments of the population while at the same time failing to achieve the intended policy effects.

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[1] See "Who Owns the Sidearms? The Demography of Gun Control." The Nation 221:8 (September 21, 1975), pp. 241–244.

The overriding purpose of the "Weapons and Violent Crime" project was thus to assemble, from existing sources, as complete and accurate an information base as the present state of the research art allows.

In brief, the aim of the project was to take stock of what is now known about the relationships, if any, among weapons, crime and violence, to assess the possible utility of alternate sources of evidence on these relationships, and to prepare a research agenda that would close the more gaping holes in present knowledge.

This stock-taking effort proceeded along three separate, although interrelated, lines. First, we undertook an exhaustive review of the existing scientific and research literature in this area. Our intention was to compile virtually all existing published evidence on the issues of weapons, violence, and crime. Thus, the review deals with topics ranging from the numbers of civilian firearms to what is presently known about the motivations of violent offenders and the relationship between these motivations and the lethality of violent attacks, to the relationship between weapons regulations and rates of criminal violence.

In general, for reasons we explain below, the published literature is more noteworthy for what it does *not* show than for what it does. There is, it appears, scarcely a single finding in the literature that could be said to have been indisputably established. In part, this reflects the highly politicized nature of research in this area, but perhaps more importantly, it results from a near-total absence of sound and nationally generalizable data from which reliable information about weapons, crime, and violence might be extracted. A second aim of the project was thus to explore the possible research utility of two sources of information on weapons and crime that have not been exploited to any great degree in past research, namely, information gathered by the police and the courts.

Police records represent a potentially vast source of information on the uses of weapons in crime—at least, on the uses of weapons in crimes known to the police. It is self-evident that the use of weaponry in crime is a matter to which the police are attentive, and thus, that immense amounts of information already exist in police records. The key questions of concern to the project were the form in which this information is stored, its completeness and availability, and the ease with which it could be accessed and analyzed for research purposes.

In order to answer these questions, we conducted a survey of the US police, focused on their information-gathering, information-recording, and data base management policies in the weapons and crime area. The survey is based on a stratified probability sample, and the results, when appropriately weighted, thus generalize to the total policing effort in the United States.

The courts, like the police, also gather and record much information on weapons use in crime, and these data thus represent an additional possible source of research material. This is especially likely to be true now that a standardized information management system (called Prosecutor's Management Information System, or PROMIS) has been developed and installed in a large and increasing number of District Attorneys' offices all over the United States. The third part of the project thus involved an assessment of the utility of the PROMIS data for research on weapons and crime.

To this end, PROMIS data from the Los Angeles Superior Court were obtained and analyzed. The original design called for analysis of PROMIS data from several (up to five) sites, but for various reasons, this proved impossible and, in the end, only the Los Angeles data were acquired.

The Los Angeles data record information on nearly 80,000 felony cases processed through the court in 1977 and 1978. There is detailed information present in the data on each case, including prior criminal record of the offender, characteristics of the victim, information about witnesses, and so on. There is, in addition, one variable that denotes whether a gun or other weapon was possessed at the time of the offense. It is therefore possible to use these data to estimate the proportional usage of weaponry in various categories of crime and to assess the effects of weapons usage on case disposition (for example, dismissal, referral to a lower court, sentence severity, etc.).

In general, none of the three sources of data employed in this project (the published literature, data from the police, and PROMIS data) are as useful or as complete as would be desirable. Much of the published research is methodologically flawed or of uncertain generalizability, and there are many important topics that have scarcely been researched at all. Weapons data from the police, while potentially of great use, are sometimes not kept in a form that would facilitate information retrieval and analysis, and there is considerable variance from department to department in the nature and completeness of the data that are recorded. Finally, the PROMIS data, while easily transferred and analyzed (the PROMIS data are fully computerized), contain very limited weapons information (recording only that a weapon was used, but no information about its type, whether it was fired, brandished, or merely possessed, and so on) and allow one to research only a highly restricted range of topics—ones, moreover, that are *not* among the more pressing or critical. The major conclusion of our efforts is thus that the information cupboard, while not entirely bare, is certainly not well-stocked or amply supplied.

One important implication of this conclusion is that existing knowledge about weapons, crime, and the relationship between them is, in general, *not* adequate as a basis for policy formulation. Even the most basic descriptive questions—for example, the actual number of firearms in private hands, or the crime reduction effects, if any, of weapons measures enacted in the past—remain essentially unanswered to any useful degree of precision. Thus, the weapons and crime area is one, among many, where important policy decisions are being made in what amounts to an information vacuum. In order to enhance most effectively the information base upon which sensible and appropriate weapons and crime measures might be erected, two closely related questions must be posed: What information do we need in order to formulate effective policy? And how is that necessary information best obtained? Our thoughts along these lines are contained in the final product of the project, the research agenda we propose for future study of weapons and crime issues.

III. The Literature Review

Private Weapons Ownership: Extent and Trends.—Our review of the literature on weapons, crime, and violence begins with an assessment of what is currently known about the existing stock of private armament among the U.S. population. In general, two methods have been used to estimate the total firearms supply: compilations of production and import data, and estimates generated from national surveys containing a weapons ownership question. Although much is made in the literature of the apparent "disparity" in the ensuing estimates, reconsideration of the assumptions that go into each, and the appropriate recalculations, show that both methods tend to converge on common values. In 1968, we estimate, there were roughly 80±20 million guns in private hands, and in 1978, roughly 120±20 million guns. In both years, handguns account for about 25–30 percent of the total weaponry, and shoulder weapons for the remainder. Thus, the total number of weapons in private hands has sharply increased over the past decade(s), by an estimated 40 million guns. Further, the growth in *handguns* appears to have been disproportionately high.

What accounts for this increase? One often overlooked factor in the "domestic arms buildup" is the simple matter of growth in the number of U.S. households. In 1968, there were about 60 million U.S. households, and in 1978, about 75 million—a 25 percent increase over ten years. (The growth in households was much sharper than the growth of population owing, mainly, to the maturation to household formation age of the post-war "baby boom" generations.) In order to maintain a *constant average density* of weapons ownership across families, then, a direct implication is that the total firearms supply would also have had to increase by 25 percent over the decade, just to keep pace with the growth in the number of households. Since the existing 1968 supply is estimated at 80 million firearms, a 25 percent increase would amount to (.25) × (80 million) = 20 million "new" firearms necessary to supply the weapons demand of 15 million "new" families; and this amounts to approximately one-half of the net projected growth of 40 million guns. Net of household increase, then, there remain approximately 20 million "new" guns to be accounted for by other factors. Further data and calculations suggest that about 10 million of these are handguns and the remaining 10 million are rifles and shotguns.

Some fraction of the remaining weapons excess must be attributed to enhanced sport and recreational demand for firearms, since the various shooting sports have grown considerably in appeal over the past years (as have all other forms of outdoor recreation). Data on sport and recreational weapons use are extremely thin and spotty. Inferences based on the annual number of hunting licenses issued, however, suggest a net increase of about 5.4 million "new" hunters between 1968 and 1978, and a further increase of perhaps 1.8 million other sports shooters, and these estimates give a net growth in sport and recreational demand amounting to some 7.2 million people with a "legitimate" need for firearms. (All the above estimates are based on growth over and beyond that expected just on the basis of population growth.)

Discounting the net remaining "new" weapons for this source of new demand requires an estimate of the rate at which "new" hunters and sports shooters arm themselves. If they each acquired one and only one firearm, the net demand growth would thus be for some 7.2 million guns, or roughly a third of the net remaining excess weapons. If, on the other hand, they arm themselves at the *average* rate for U.S. families possessing at least one firearm (the best estimate of this average is 3.17 firearms per weapons-owning family), then the growth in sport and recreational demand would amount to about 22.8 million weapons, or 100 percent of the net remaining excess. Plausible compromise values imply a net sport and recreational demand growth that accounts for all (or nearly all) of the remaining excess shoulder weapons and perhaps a third to a half of the net excess handguns.

The preceding estimates attribute roughly 5 million new handguns to growth in sport and recreational demand for weapons in the decade 1968 to 1978, and this thus contradicts the common claim that handguns have "no legitimate sport or recreational use." In point of fact, no credible study of sport and recreational handgun use has ever been conducted, and the few fragments of evidence that do exist strongly suggest that handguns are as likely to be owned for sport and recreation as for any other reason.

Factoring out the weapons increases attributable to growth in the number of households and growth in sport and recreational demand therefore leaves no more than about 5–8 million handguns to be ascribed to other factors.

Another possibly large source of enhanced demand is growth in the police demand for armament. Strictly speaking, police arms are not "civilian" arms, but there are two important reasons to factor police arms out of the trends. First, the existing supply-side estimates exclude weapons manufactured for the military, but *not* weapons shipped to Federal, state, or local police; thus, the police demand for arms is reflected in the supply-side trend data. Secondly, in contrast to a common assumption, many policemen supply their own sidearms (for example, 17 of the 50 largest departments in the United States do *not* provide sidearms for their officers, and outside the largest fifty, the fraction must be considerably higher), and thus. much of the police demand for arms is satisfied through the private firearms market.

Evidence from several sources shows a large increase in the total number of armed public servants over the period 1968–1978. and there has apparently been a parallel increase in private security forces. In addition, there is some evidence to suggest considerable police department experimentation with new small arms policies in the past decade. Both the personnel trend and the arms policy trend would tend to increase police consumption of firearms by a sizable amount. Our analyses suggest that police demand for new arms accounts for perhaps 2–3 million of the remaining handguns and some unknown number of shoulder weapons. This leaves no more than about 5 million handguns to be accounted for by other factors.

The most commonly offered explanation for the private arms buildup is that it has resulted from increasing "fear of crime, violence, and civil disorder" (Newton and Zimring, 1969). There are several compelling reasons to doubt whether this source of demand for firearms was at all substantial during the decade:

(i) Once the other factors discussed above have been taken into account, there are few or no remaining excess weapons to be explained by other factors, such as fear of crime and violence. If the estimates cited above are plausible, the overall "fear" demand does not amount to more than a few (perhaps five) million handguns.

(ii) Available studies, summarized below, show that about three-quarters of all weapons are owned mainly for sport and recreation, and about one-quarter for protection and self-defense. Assuming these proportions hold over the time series as well as in the cross-section, then the demand for protective weapons would amount to roughly a quarter of the 20 million firearms remaining once household increase has been factored out, and this approach also gives a "fear" demand in the range of a few million.

(iii) National surveys have asked a gun ownership question periodically since 1959 (Wright and Marston, 1975). The proportion of U.S. families claiming to possess a firearm has been about constant, at roughly 50 percent, but the fractional ownership of handguns among families owning any weapon has increased. An analysis of this increase shows it to have been concentrated mainly in middle-sized cities, whereas the increases in fear of crime and violence have largely been big-city phenomena (e.g., Stinchcombe et al., 1980).

(iv) Point (iii) further implies that most of the net remaining handguns have been purchased by families already possessing one or more firearms. (If the increase in handguns was due to handgun purchases among families otherwise owning no weapons, then one would expect the proportion of families owning any gun to increase, which it has not.) To be sure, these handgun purchases may well have been motivated by fear of crime and violence, but they would, in this case, be handguns added to an existing firearms stock, that is, weapons purchased by families that have routinely owned firearms and who are thus, or so one presumes, familiar and comfortable with them (as opposed to first-time purchases by previously unarmed families).

(v) Finally, several studies have inquired directly into "fear and loathing" as a source of the recent arms trend, and few of them demonstrate any decisive or substantial "fear and loathing" effect. For example, one study (Northwood, Westgard, and Barb, 1978) analyzed permits to carry a concealed weapon in Seattle and reports that less than 20 percent of the applicants "claim prior victimization as a reason." The same study showed that there was no relationship between crime rates and permit applications across Census tracts. Similarly, a study of Illinois counties (Bordua and Lizotte, 1979) found that no measure of the county crime rate was significantly related to the number of Firearms Owner's Identification Cards for males or minors. (There was some apparent effect on women's ownership, however.) Clotfelter's (1977) time-series analysis of handgun demand can also be mentioned; this study found that rates of violent crime had no significant effect on handgun demand.

We conclude that there is little empirical support for the idea that the recent domestic arms buildup has been in reaction to fears of crime, violence, or civil disorder. At the outside, this source of demand amounts to perhaps five million handguns overall and is thus a minor factor in the overall weapons trend.

Characteristics and Motives of Firearms Owners.—All available evidence on characteristics of private weapons owners confirms that most private weaponry is owned primarily for sport and receational uses. In the total, sport and recreational guns apparently outnumber protection guns by about 3 to 1. Even among handgun owners, sport and recreation are mentioned as primary ownership reasons at least as often as protection or self-defense. (See, for example, Lizotte and Bordua, 1980; or DMI, 1978.) Weapons ownership varies sharply by region and city size, being higher in the South and West than in other regions, and is sharply higher in rural than in urban places, Contrary to a common speculation, gun ownership also increases with social status (Wright and Marston, 1975). Also, Protestants are sharply more likely to own a gun than either Catholics or Jews; and men are, of course, much more likely to own a gun than women, although women's ownership appears to be increasing.

There is substantial evidence that early parental socialization is an important factor in weapons ownership among adults, especially sport and recreational ownership. In all relevant studies, whether one's father owned a gun is the single best predictor of whether the respondent owns a gun.

One study (Lizotte and Bordua, 1980) allows for a direct differentiation between sport and defensive weapons owners and suggests that these are qualitatively different types. Sport ownership is largely a function of early socialization into a "sporting gun culture," as suggested above. Gun ownership for protection, however, is entirely different; in this study, the only significant predictor of defensive ownership was the violent crime rate in the county of residence. (Concerning the implication of this finding for our previous conclusion about the effects of "fear" on the overall trend, it must be recalled that only a fourth of the respondents in this study were classified as "defensive owners." Further, while "county violent crime" was the only significant, and therefore best, predictor of defensive ownership, the magnitude of this effect was relatively small.)

Private Weapons Ownership and Violent Crime.—What relationships, if any, exist between the incidence of private weaponry and rates of violent crime? Three hypotheses have been offered in this connection: that private gun ownership is an effect of (or reaction to) criminal violence; that private gun ownership is a cause of criminal violence; and that private weapons ownership is a deterrent to criminal violence.

The first of these has been considered above. Certainly, at least some private weapons are possessed in reaction to crime or the fear of crime, but the analyses summarized above suggest that the relative fraction is small. Most firearms (roughly three-quarters of the total) are owned for entirely different reasons. If there is any noteworthy relationship of this general sort, it is clearly a more complicated matter than simply, "get victimized, buy a gun." In fact, most relevant studies in the literature show no significant relationship between criminal victimization and gun ownership.

Although there is much speculation, surprisingly little research has been done on firearms as a *cause* of criminal violence. Most studies depend on gross comparison of crime and weapons ownership rates across large and heterogeneous geographical aggregates (nations, regions, states, or counties) that differ in far too many (typically uncontrolled) ways for much of substance to be concluded from the results. Truly decisive evidence—for example, evidence on the ensuing criminality of persons who acquire firearms—does not exist. We conclude that there is little evidence to show that gun ownership among the population as a whole is, per se, an important cause of criminal violence.

Whether private firearms are an important *deterrent* to crime is likewise uncertain. It is clear that much crime occurs in circumstances where the victim's ownership of a gun would be irrelevant, for example, burglaries of unoccupied residences, but this says nothing about the effectiveness of weaponry as a deterrent in situations where the crime is potentially deterrable, for example, burglaries of armed and occupied residences. There is some evidence (Kleck, 1979) that the risk to a robber or burglar of being shot by the intended victim is about the same as the risk of being apprehended, convicted, and imprisoned (both probabilities are on the order of 1–2 percent). It is thus plausible that some crime is "deterred" because those who would otherwise commit it fear the possibility of being shot, just as it is plausible that the fear of doing time for one's offense also deters some crime.

Evidence on the uses of firearms by victims in crimes that are potentially deterrable suggests that the probability of a "successful" victimization goes down, but the probability of injury or death to the victim goes up, if one uses a gun (or any other physical means of resistance) in protection (e.g., Cook, 1976).

As noted above, roughly 25 percent of the total private armament (and 40–50 percent of the handguns) are owned primarily for protection or self-defense. Survey evidence for 1978 shows that some 15 percent of the population (or members of their households) have used a gun in self-defense at some time, of which about half was in defense against animals. Also, about 7 percent of the nation's adults say they carry handguns with them for protection outside the home. The proportion of U.S. adults who have actually fired a gun in self-defense appears to lie somewhere between 2 and 6 percent.

The Magnitude of the Crime and Violence Problem.—How much crime and violence is there in the society? Uniform Crime Report (UCR) data for the index crimes of homicide, robbery, and aggravated assault all show the same general pattern: namely, fairly sharp increases from about 1960 up through the early seventies, a peak in the rates occurring about 1974, and approximate stability in the years since (through 1978). Between 1960 and 1978, the homicide rate increased from about 5 to 9 homicides per 100,000 population. The percentage of homicides committed with firearms also increased from 53 percent to 63 percent. Of the homicides committed with firearms, approximately three-quarters involve handguns.

The number of robberies also increased roughly four-fold over the two decades. Of the total, somewhere between three-fifths and two-thirds are armed robberies. Among the armed robberies specifically, about 60–65 percent involve a firearm, and the remainder are committed with knives or other weaponry. There appears to have been some increase in the percentage of robberies committed with a firearm. The trend in aggravated assault is similar, having increased approximately three-fold from 1960 to 1978. Proportionally, only a few aggravated assaults are committed with firearms, although this percentage has also apparently risen.

The trend in the suicide rate is also up, although not so sharply. In 1960, there were about 20,000 suicides from all causes, and in 1977, about 30,000. The percentage of suicides committed with firearms also appears to have increased.

As regards fatal firearms accidents, their proportional contribution to total accidental deaths has hovered right around 2 percent for as long as data have been gathered, with some indication of a modest decline in this proportion over the past several years. Data on non-fatal firearms injuries are highly unreliable, since some (possibly large) fraction of them are presumably never brought to the attention of any cognizant agency, and as a result, published estimates of the annual number of such injuries vary widely. The best data are contained in the annual National Health Survey, and this source suggests about 170±75 thousand injuries due to firearms accidents in calendar year 1975.

Taking all sources of firearms deaths for the reference year of 1975,[2] we conclude that something on the order of 30,000 deaths occurred as a result of the criminal, accidental, and suicidal uses of firearms. We further estimate, for the same year, that there were approximately 900,000 additional "incidents" where firearms were either present, brandished or fired in criminal incidents, or where firearms were involved in injury-producing accidents, or where firearms were used in attempted suicides, or where firearms were involved in citizen-police encounters. We thus estimate an annual total of roughly one million "gun incidents"—i.e., incidents where a firearm of some sort was involved in some kind of violent or criminal incident (whether intentional or accidental, whether fatal or not).[3]

Characteristics of Gun Offenders and Victims.—What are the characteristics of the perpetrators and victims of these one million annual "incidents"? Young males are by far the most likely victims of accidental firearms violence: Among males aged 15 to 24, firearms accidents are the third leading cause of accidental death (after automobile accidents and drowning). Males are also substantially more likely than females to commit suicide with a gun. For firearms crimes, young non-white males are by far the largest offender category. Crimes against property are especially concentrated in the younger age groups, crime against the person (that is, "violent" crimes) less so. Non-whites are greatly over-represented among all categories of offense, but more so for "violent" crimes than for property crimes.

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[2] We have chosen 1975 as the reference year in these and certain other analyses because it is the most recent year for which complete data of high reliability are available. There is some evidence, however, that 1975 represented something of a "high point" (if that is an appropriate term in context) for weapons violence in the United States, and as such, the data summarized here for 1975 may well be misleadingly high as a guess about average levels of weapons violence in a "typical" year.

[3] This summary figure—one million annual incidents—is offered as a "best guess" about the approximate order of magnitude of the problem of gun violence in the United States, where "gun violence" is construed very inclusively. It is assuredly not an estimate of the number of chargeable gun crimes committed in a typical year. The general consensus on this latter figure is that there are about 300,000 reported gun-related violent crimes annually.

With the exception of homicide and some categories of assault, most criminal incidents involve persons unknown to each other before the event. Robbery is especially likely to involve strangers, assault less so. Interestingly, women are much more likely than men to be assaulted by people they know.

The probability of being victimized by crime varies by socio-demographic characteristics. The highest probabilities are for young males, and the lowest, for elderly women. The probability of suffering injury likewise varies. Again, young males are the highest risk group. Finally, the probability of suffering property loss is also conditioned by social characteristics. The poor are about twice as likely to suffer a property-loss victimization as the more affluent.

The Weapons Used in Crime.—What kinds of firearms are used in violent crime? Remarkably, there are no nationally representative data on the topic, with the partial exception of homicide. Evidence from several sources confirms that the handgun is the preferred firearm in most crimes involving firearms (e.g., Brill, 1977). The literature suggests that some 260,000 firearms were confiscated by state and local police in 1971, and of these, about 70 percent were handguns. Other studies show similar percentages. Thus, handguns predominate among crime guns, whereas shoulder weapons are by far the more common firearm among the larger population. Also, in all studies reporting evidence on the matter, some 70–75 percent of all crime handguns have barrel lengths of 3 inches or less. Concealability, therefore, is evidently an important factor.

Handguns confiscated and traced are often found to have crossed state lines before having been used in a criminal incident. This flow across jurisdictional lines of firearms into criminal hands tends strongly to vitiate the effects of jurisdiction-specific gun control measures.

Stolen handguns apparently contribute substantially to the supply of crime firearms. Based on 1975 statistics and a few assumptions, we estimate that some 275,000 handguns potentially enter criminal channels each year merely through the theft of guns from private residences. Several studies also confirm that crime guns tend to be "young." About one-half of all handguns confiscated during crimes have been manufactured in the previous five years (Zimring, 1976).

It is a widely held view that much homicide, and criminal violence in general, does not result so much from lethal intent as it does from escalations of otherwise relatively petty quarrels that become lethal or injurious simply because firearms are available. Again, the available research is highly inconclusive. The evidence is firm that attacks with a gun lead to the death of the victim some 2 to 6 times more often than attacks with knives (Zimring, 1968). This might imply that guns are intrinsically more lethal or that people who are intent on bringing death to their victim preferentially choose firearms as the means. Nothing in the literature on homicide allows one to choose definitively between these possibilities. Indeed, much of the evidence commonly cited on this matter turns out, on closer inspection, not to bear on the question of intent, one way or the other.

Analysis of weapons use in armed robberies tends also to show that robberies committed with firearms are more likely to lead to the death of the victim than robberies committed through other means (Cook, 1976). Since it is plausible to assume that the underlying motive in all robberies is the same (economic gain to the offender), the robbery evidence is thus the strongest in the literature showing that a gun is intrinsically more lethal than other weapons, net of possible differences in underlying motives.

Weapons and Their Control.—Evidence from two recent national surveys on public opinion about gun control, and from many previous surveys, shows that large majorities of the public *favor* measures that would require the registration or licensing of firearms. The public would *not* favor such measures if their costs were inordinately high, and there is considerable sentiment that any such measure would only be effective were it uniform across all the states. Equally large majorities *oppose* an outright ban on private handgun ownership, although there is a majority sentiment favoring a ban on the manufacture and sale of cheap, low-quality handguns. Majorities approaching 90% believe they have a constitutional right to own a gun; but majorities also agree that a licensing requirement for handgun ownership would not violate their rights. Although there is a high level of support for registration or licensing measures, no more than about half the population feels that these measures would cause crime to decrease; many measures other than firearms regulations are thought to be more effective towards this end.

The existing firearms control measures in the United States encompass a vast congeries of Federal, state, and local regulations, many of them working at cross-purposes with others. Jurisdictions with extremely restrictive gun control policies often abut jurisdictions with barely any controls at all. This fact, plus the substantial interstate commerce in "crime guns" noted above, makes it plain that gun control measures in a single jurisdiction will have no direct or necessary implication for the availability of firearms for illicit criminal purposes in that same jurisdiction.

There is a substantial research literature evaluating the effects of weapons control legislation on violent crime. This literature falls into three broad categories: (i) studies that compare crime rates across jurisdictions (typically, cites or states) with variable weapons control legislation in force; (ii) "process" studies that examine the actual implementation of various gun control measures; and (iii) time-series or before-after studies that follow trends in crime before and after the introduction of new legislative measures.

Studies of the first type (e.g., Geisel, et al., 1969; Murray, 1975) depend critically on the ability of the analyst to model the underlying causes of the crime phenomena in question; this is simply because jurisdictions differ in large numbers of ways, other than in gun control measures on the books, that might plausibly affect crime rates.[4] Conclusions about the impact of firearms controls are thus valid only to the extent that these "extraneous" factors are identified and held constant in the analysis. And since there is, as yet, no firm theory of crime and how it is produced, none of the studies of this type can be said to provide conclusive evidence, either way, on whether or how firearms controls influence crime rates.

"Process" studies have generally been more informative in that they often point out major gaps between legislation-as-enacted and legislation-as-implemented. Indifferent or hostile implementation of even the most aggressive and well-considered measures will necessarily mitigate legislative effects. Zimring's (1975) analysis of the implementation of the Gun Control Act of 1968, and Beha's (1977) study of the implementation of the Massachusetts Bartley-Fox Amendment, are both excellent examples.

In the absence of any opportunities to conduct genuine randomized experiments, perhaps the best hope of uncovering the possible crime-reductive effects of weapons control legislation lies in so-called quasi-experimental, or time-series, research designs, and some research of this sort has been done on various weapons control measures (e.g., Deutsch and Alt, 1977). The general logic of such research is straightforward: some criterion variable (e.g., the violent crime rate) is followed over some extended time period that spans the introduction of a new measure; deflections of the trend line after enactment of this new measure are then taken to indicate the measure's effect.

In principle, "before-after" designs of this sort are very powerful techniques for detecting causal effects. In practice, the potential of these designs has seldom been fully achieved. Crude comparisons of crime rates at two time points (one before, the second after enactment) are, of course, of little or no value, since these comparisons, typically, tell us very little about what we might have expected had the measure not been enacted. Likewise, the timing of post-enactment observations can be critical: the analyst must allow "enough" time for the effects of the measure to show up, but not so much that these effects become diluted beyond the point of detectability. One final problem is similar to the one noted above in the case of cross-sectional studies: in order to take post-enactment deflections of the trend line as a measure of program impact, one must ordinarily be able to say with some degree of confidence what would have happened to the trend line had the measure in question not been enacted, which means that the variables that govern the underlying behavior of the time series have to be discovered and modeled ("held constant") if the impact analysis is to have meaning. So here, too, the absence of an empirically sound theory of crime and how it is produced tends to render the "before-after" literature equally inconclusive.

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[4] Persons unfamiliar with the methodology of the social sciences sometimes do not adequately appreciate the nature of this point. For example, it seems perfectly straightforward that a comparison of the crime rate in a jurisdiction with very restrictive weapons policies to the crime rate in a jurisdiction with very loose policies is an adequate measure of the crime-reduction effects of the more restrictive policy. This, however, is not the case. Suppose, for example, that the jurisdiction with the more restrictive policy also had a lower level of poverty. We know from other research that the poverty level of a jurisdiction is strongly related to its crime rate. In this case, we might well find less crime in the jurisdiction with the more restrictive policy—not, however, because of the restrictive policy, but rather because of its lower poverty level. In short, in this example, we mistake a poverty effect for a weapons-policy effect.

Jurisdictions, of course, differ in all manner of ways other than their poverty levels or extant weapons legislation; many of the ways in which they differ might, like poverty, be a cause of crime. In order to be certain that we are seeing a weapons-policy effect when we compare crime rates across jurisdictions, we must therefore control statistically all these other factors that might be producing the crime rate difference. But we can only hold these "other factors" constant if we know what they are, which in turn means that research of this general sort can only be informative with respect to the effects of weapons legislation on crime if it is based on an adequate theory or "model" of the crime phenomenon being investigated.

The best example of problems of the sort just noted concerns the several efforts to evaluate the crime-reductive effects of the Massachusetts Bartley-Fox law. Using a time-series design with monthly observations for roughly ten years, Deutsch and Alt (1977) conclude that the law significantly reduced armed robberies and gun assaults (but not homicide). Hay and McCleary (1979) have questioned the appropriateness of the underlying theoretical assumptions of the Deutsch-Alt time-series model; a respecification of the model and reanalysis of the data failed to produce the armed robbery effect. (The effect on gun assault was equally apparent in both analyses.) Thus, depending on certain highly technical assumptions that have almost nothing to do with either guns or crime, but rather with the appropriate statistical model for the analysis of time-series data, one can conclude either that Bartley-Fox reduced the incidence of armed robbery in Boston, or that the bill had no discernible effect on armed robbery in Boston. Which of these is the correct conclusion is yet to be determined.

Summary

The extant literature on weapons, crime, and violence in the United States is extremely inconclusive: some areas have scarcely been researched at all, others have been researched in detail, but the combination of haphazard research designs and small-scale local samples has produced such an array of inconsistency in the published results that nothing of substance can be concluded. Even the most basic descriptive questions, for example, the number of firearms presently in civilian hands, can only be answered to an approximate order of magnitude. Further, the ideological overtones of much of the published research in the area are such as to inspire little confidence in the scientific credibility of the results.

In the best of all possible worlds, one would expect a codified set of principles and body of knowledge to emerge as the final product of a review of the sort just summarized. Obviously, given the relatively primitive state of the literature, any such codification would definitely be premature. In the present case, the final product was instead an agenda for future research in the weapons and crime area. This Research Agenda appears as the final chapter in the report on the literature review, but given its importance in the project as a whole, a brief summary of the Agenda is provided at the end of this report.

IV. The Police Department Survey

Local law enforcement agencies represent an important potential source of information on weapons and crime. The police deal directly with criminal incidents, with persons accused of crimes, with victims of crime and, in many areas, are given the responsibility of administering local weapons regulations. The records generated, maintained and archived by them in their ordinary duties might, therefore, contain the raw ingredients for useful, informative and relatively accurate statistics on firearms and crime. Our survey of the U.S. police was designed to inquire whether this is, in fact, the case. Thus, the purpose of the survey was to investigate whether existing police records would be efficient sources of detailed information about weapons and crime.

The survey centers around two main issues. First, what weapons information are the local police routinely collecting in their current case reports? Secondly, how willing and able would police departments be to process such information into a useful, national-level reporting system?

The survey was based on a sample of 609 local law enforcement agencies, drawn with probabilities proportioante to the size of the department. The survey was a mailout/mailback; nonetheless, a response rate in excess of 70% was attained. Among other topics, we asked respondents to specify what they actually do in the areas of weapons records, report writing and other police procedures concerning weapons, and what more they might be willing to do, if asked, to collect additional information or to prepare specialized reports of their information. Thus, the results speak to the sensibility of a data strategy that would rely heavily on the weapons information in local departmental case reports and on the cooperation of the local police to systematically prepare summary reports.

Results show that local departments are not, on the average, eager to cooperate with additional summary report requests. However, they do not report much resentment against future such requests. Willingness to comply with additional information requests is, in part, a function of the perception of the local police of the seriousness of the weapons and crime problem and police involvement with weapons regulation.

Our survey verifies that the local police see the problem of weapons and crime as a substantial part of their local crime problem, and the more serious they think the problem is, the more willing they are to cooperate with information requests. Seriousness is related to both region and size of department. Departments in the Northeast and North Central regions see less of a problem than do departments in the West and South, and, as expected, larger departments report a more serious problem than smaller departments.

Willingness to provide additional weapons information is also a function of the number of weapons regulations which the local police administer. The more weapons regulations performed by the local police, the more willing they are, on the average, to provide more summary information.

Most jurisdictions have weapons regulations on the books, and local departments are often involved in their administration. In particular, the local police are most likely to administer any required handgun regulations and to perform any required investigations for firearms permits. Overall, however, the involvement of the local police in weapons regulations is fairly low; on the average, the police perform 3.8 of the 15 weapons regulations specified in our questionnaire. The other regulations are either not in force in the jurisdiction or are administered by some other agency.

The survey analysis shows that many departments are currently recording details about weapons which could provide useful research data. Our survey asked the departments to specify the types of weapon information recorded in the case report in ten different situations where a weapon was involved. We expected that the type of information recorded might vary by situation. However, by their own account, the local police record most of the weapon information in the case report, regardless of situation. The type of firearms, serial number, manufacturer, caliber, prior firearms record of the suspect, and whether the firearms was loaded or fired are recorded in the case report by nearly all local departments. The only two categories of information which are not usually recorded are the value and the age of the firearm. Thus, according to respondents, the individual case reports within local departments provide a potential wealth of details information on firearms used in crime.

If this is true, then the problem becomes one of information retrieval. Is the weapons information recorded as part of a narrative account of the crime or incident, or is there a separate section or question with categories where weapons information is recorded? Our analysis of the standard report forms (incident, complaint, arrest, and property forms) actually used by local departments shows that most local departments use forms which facilitate the recording of and retrieval of weapons information to some extent.

Close to half the local departments in our survey use an incident report form with an open space or area labeled "Weapon." Another third use an incident report form with a special box, code or category that explicitly requests weapon detail. On the report forms the request details, the type of weapons and type of firearm are most likely to be the information requested. Other information (such as caliber, serial number, age) is requested on only half of the incident report forms. An analysis of the standard property report forms shows a similar distribution.

Thus, we find that useful, detailed weapons information is being recorded by local police and that this information is, for many of the departments, fairly easy to retrieve. It should be noted that, when asked to specify the changes that would be necessary to provide additional summary information about weapons, the most frequent answer is "New forms, or changes in existing forms." This type of change could easily be made, presumably with a small cost.

In addition to recording detailed weapons information, the local police in our survey report that other procedures are also standard when a weapon is involved in a case. All local departments report that a stolen gun is reported to the National Crime Information Center (NCIC) system, and 83 percent report that a stolen gun would also be reported to a regional or local weapons tracing system. We find that 86 percent of the local police departments have their own NCIC terminal, with the remaining departments having access to NCIC through another agency. Almost all departments report that every firearms implicated in a crime or found, confiscated or recovered is checked with NCIC. Overall. three-quarters of the local departments rate their experience with NCIC as usually useful. The reported use of the Bureau of Alcohol, Tobacco, and Firearms (BATF) weapons tracing system, in contrast, is very low. Over half of the departments report that firearms are very seldom checked or never checked with BATF, whether involved in a crime situation or found, lost or recovered. Of the departments that reported some use of BATF, only a third rated their experience as useful.

Current summary reporting done by local departments appears to be mainly that required by the Uniform Crime Reports. These reports are filed monthly and annually by local departments and provide some limited amount of weapons information: number of homicides by type of weapon and type of firearm, number of robberies and assaults by type of weapon, and number of arrests for illegal possession and other weapons crimes. However, we also know that additional and much more detailed weapons information is often recorded in the individual case reports. Are the local police currently preparing additional report summaries with more detailed information about weapons? The results suggest not. For example, only about a third prepare summary reports on the number of firearms stolen and on the number of firearms confiscated annually. The local departments that do not prepare summary reports on weapons-related topics indicated, on the average, that the preparation of such reports would be neither easy nor difficult.

The amount of trouble caused by current report summary preparation significantly affects the department's willingness to prepare additional reports. Some local departments (about a quarter to one third) report that report preparation is very burdensome. A similar proportion report that current reports are no trouble at all. The latter are by far the more willing to prepare additional reports.

The level of computerization within the local police departments is one indication of the department's summary reporting capability. To the extent that the arrest and crime reports are computerized, additional report summaries should be easier to obtain. We find that the trend of computer use by local police has continued. Three-quarters of the local departments have computerized departmental records; in particular, the level of computerized arrest and crime report records is quite high. Forty percent of the departments that use a computer report that they have their own separate computer installation. A separate computer installation within the department is negatively related to the amount of trouble caused by report preparation. This variable is also significantly and positively related to willingness to prepare additional report summaries.

When asked about any changes that would be necessary within their department (such as record-keeping systems, personnel and budget) in order to comply with requests for more detailed weapons information summaries, four out of five report that some amount of change would be necessary. Specifically, changes in existing case report forms would have to be made or new forms introduced. Over half of the departments report that additional funds would have to be sought and special training of personnel conducted.

Our analysis thus shows that the use of existing police records to gather more detailed information about weapons and crime is feasible and potentially fruitful. Many departments currently use report forms which request more weapons information than is found in existing aggregate summary reports, such as the UCR reports. Respondents in local departments are concerned about weapons and crime, and there is some willingness to provide additional information. However, it would probably be necessary to provide some incentives (financial support, computer software, model report forms) to the local police departments to ease the increased burden of reporting. An expansion of the weapons data requested from the police for Uniform Crime Reports, or the addition of a special Weapons Report (similar to the existing "Supplemental Homicide Report"), could prove to be the most efficient method for gathering additional weapons information from the local police. The use of an existing data collection system such as UCR would probably be less costly and better utilized than the establishment of a new organization to gather weapons and crime information.

V. Data from the Los Angeles Superior Court

The acquisition and analysis of Prosecutor's Management Information System (PROMIS) data from Los Angeles was intended to serve two purposes: substantively, to replicate and extend the analysis by Cook and Nagin (1979) of the effects of weapons use on felony case disposition; and procedurally, to assess the general utility of the PROMIS data for subsequent research on issues of weapons and crime.

Concerning the first of these, our analysis assumes that a large number of variables affect case outcomes at each stage, among them the nature and seriousness of the charge, the strength of the evidence, characteristics of the offender, the case load being managed by the prosecutor at the time, the "convictability" of the case, and so on. A unique feature of the PROMIS data is that it contains enough information to allow one to model these various factors and to hold them constant in the analysis. Thus, the estimates of weapons effects are estimates net of these many, potentially confounding, factors.

The major shortcoming of the PROMIS data for research purposes is that the weapons variable is relatively crude. There is, in fact, one and only one weapon variable in the data, with each case scored into one of the following four categories: gun used, other weapon used, no weapon used, or unknown. For the sample of 5,000 felony charges upon which the analysis is based, the distribution on this variable was as follows:

Weapon at time of offense

(N=5,000)

	Percent
Gun	13.9
Other weapon	9.8
No weapon	60.4
Unknown	15.9
Total	100.0

Notice that roughly a sixth of the total have missing data on the weapons variable. Notice further that the data base does *not* contain many other potentially relevant items about weapons use that might be important in ascertaining the effect of the weapon on case disposition: for example, whether the weapon was fired during the incident, only brandished, or was merely being possessed by the offender at the time; or information on the caliber or type of the weapon; and so on.

Given that this information is not available in the data, the analysis is necessarily rather crude.

It is important to emphasize that all the cases considered in the analysis are felony cases. Most of the weapons use represented in the data is weapons use in the context of committing some other crime; illegal possession or use of firearms charges are rare in the data, constituting only 1.9 percent of the total offenses. Since the seriousness of the offense is among the variables held constant in our statistical models, we have not attempted to analyze each major crime category separately.

Findings of the analysis, stage by stage, are as follows. First, we find a statistically significant and positive effect for gun use at the stage of initial screening by the Los Angeles District Attorney. That is, holding other relevant variables constant, the probability that the case will be accepted at initial screening is higher if the case involves a gun than if no weapon was used. The effect for "other weapon" on initial screening, however, was insignificant.

Once a case passes through initial screening, it goes to a preliminary hearing, and here, too, we find a positive and statistically significant gun effect. The probability of a case being accepted at the preliminary hearing is notably higher if a gun was used than if no weapon was used. And here, too, the effect for "other weapon" was not significant.

Once the case clears preliminary hearings, it is presented for felony arraignment in Los Angeles Superior Court. At arraignment, the case may be dismissed, or the defendant may plead guilty, or the case may be sent to trial. We find that the probability of a dismissal at the arraignment stage is not significantly affected by either gun use or the use of any other weapon; all estimated coefficients are trivially small in magnitude and not statistically different from zero.

How does weapon use influence whether the case is resolved by guilty plea or continuance to trial at the arraignment stage? We find, at this stage, that gun offenders are less likely to plead guilty than offenders using no weapons at all, regardless of the seriousness of the charges and other offender characteristics.

Thus, in the Los Angeles case, gun offenders (but not other weapons offenders) are more likely to pass through initial screening to a preliminary hearing, more likely to pass from a preliminary hearing to formal arraignment, and more likely to pass from formal arraignment into trial. How are trial outcomes themselves affected by the presence of a weapon in the crime?

Trial outcomes, of course, are of two sorts: first, the finding as to guilt or innocence, and then for the guilty, the sentence received for the crime. Concerning the first, we find no significant gun or other weapon effect.

Felons are judged guilty either by plea or finding; once judged guilty, they may receive a prison or jail sentence or some other sentence not involving prison (i.e., a suspended sentence, or a sentence to probation rather than prison, etc.). Among felons either pleading or found guilty, the probability of a prison sentence (of any length) is very much higher if a weapon is involved in the crime than if not. Further, for those found guilty and sentenced to prison, the gun effect is again substantial: all else equal, the use of a gun by felons found guilty and sentenced to prison or jail increases the average sentence by about 600 days. The effect is also substantial for felons who plead guilty and are sentenced, amounting to some 450 extra days.

For both guilty pleas and guilty findings, then, it is apparent that substantially stiffer prison sentences are meted out to gun offenders than to offenders using no weapons, even with other potentially relevant factors held constant.

These findings make it clear that the court system in Los Angeles pays considerable attention to the uses of guns in felony offenses: gun offenders are more likely than non-gun offenders to pass through the various filters of the system, are more likely to be incarcerated, and receive, on the average, substantially longer prison terms. All these findings are similar to those reported by Cook and Nagin (1979).

Concerning the more general utility of PROMIS for research on weapons and crime issues, we note the following caveats:

(i) The weapons information currently called for in the PROMIS system is better than nothing, but only slightly so. The data record only whether a gun, other weapon, or no weapon was present in the crime and do not record many other potentially interesting or crucial weapons variables. The research utility of PROMIS data in the area would thus be greatly enhanced were a more detailed question sequence on weapons use added to the information system.

(ii) At present, the accessibility of PROMIS for research is essentially at the discretion of the District Attorney in each jurisdiction. The Los Angeles DA office was extremely helpful and willing to cooperate, but other sites that we approached were not. Gathering up PROMIS data for more than a small handful of sites might therefore be a formidable problem.

(iii) Although PROMIS has now been installed in several dozen jurisdictions, these jurisdictions are widely dispersed across the country, and there is no centralized repository of PROMIS data that would facilitate research access.

(iv) In all jurisdictions, the PROMIS data base is massive. The LA data contain more than 80,000 felony cases in just over a one-year period. Moreover, the data files contain variable-length records and considerable amounts of alphabetic (vs. numerical) information. For these and certain other reasons, the data are rather cumbersome and expensive to analyze, and the purely mechanical problems of the analysis multiply as the number of jurisdictions in the analysis increases. A comparative analysis along the lines discussed above for a relatively large number of jurisdictions (say, ten or more) would be an immensely complicated and expensive undertaking.

(v) Finally, even assuming all the above problems could be solved, PROMIS data allow one to research only a very limited set of topics: basically, they give a rough distribution of weapons use over crime types, and they allow one to assess the effects of weapons use on case disposition. Each of these is, to be sure, an important topic, but even if both were eventually answered in fine-grained detail, we would still not know much about a large number of other issues that are critical to policy formation in the weapons and crime area.

VI. A Recommended Agenda for Future Weapons Research

Building an information base in any area of public policy requires some attention to three closely related questions: First, What is the nature of the problem at hand and what options for dealing with it are open to us? This first question, in short, concerns the characteristics and magnitude of the problem and the range of open, viable policy alternatives. Assuming a range of possible actions can be imagined, then the second question becomes, What information do we need in order to choose intelligently among the many options open to us? Once we are clear on the information we need to choose among options, then we may turn to the third question, How do we best obtain the information we need?

At the present moment in American political history, there is little or no consensus even on the first of these, much less the second or the third. There is some generalized recognition and agreement that we have a serious "violent crime" problem, but what can or should be done about the problem are matters of much disagreement and political dispute. Some favor additional restrictions on the ownership and use of firearms; some even favor that certain classes of firearms be banned altogether. Others believe, not without justification, that laws of any sort tend to affect only the law-abiding, and that the criminal uses of firearms would therefore be largely untouched by additional weapons regulations. In the same vein, some believe that the widespread availability and ownership of firearms are important causes of criminal violence, whereas the same phenomena are, for others, important crime deterrents. Some believe that general restrictions on private weapons ownership would tend to reduce the available supply of firearms for criminal purposes; others anticipate only that a black market in illegal weaponry would spring up to service the criminal demand. Some feel that the solution to firearms abuse is to keep guns out of the hands of potential abusers; others, that the solution is to mete out stiff and certain punishments once an abuse has occurred. Thus, while there is some consensus that the United States faces a very definite "violent crime" problem, the exact nature and magnitude of that problem, its causes, and the means with which it is most effectively and judiciously handled, are matters of fearsome political dispute.

Given the nature of these disputes, it is apparent that no agenda for research, even if followed diligently and funded generously, will be decisive on the question of what the nation should do about violent crime. Answers to such questions depend more on philosophy and values than on matters of scientific fact. On the other hand, policy issues can be informed by high-quality research, even if seldom decided by it. The intent of the Research Agenda is thus far more descriptive than prescriptive; its aim is to narrow the wide band of misinformation and simple lack of empirical knowledge that tend to surround all the major issues involved in firearms and crime, but assuredly not to show that the nation should go this way or that in dealing with its violent crime problem.

In one way or another, every piece of weapons-and-crime legislation ever enacted or proposed is meant to intervene in some way in the weapons market. As all other markets, the weapons market consists of three major components: supply, distribution, and demand. In the case of the weapons market (and many others), demand can be further differentiated into licit and illicit components.

All policy initiatives in this area can be seen as interventions in one or more of these aspects of the firearms market. The Gun Control Act of 1968, for example, intervenes in the supply by banning the importation of certain classes of weapons, intervenes in the distribution system by requiring Federal licensure of firearms dealers, and intervenes in the demand by outlawing weapons purchases among certain classes of persons (e.g., felons). Even measures such as mandatory sentencing can be construed as an intervention in demand, since the intent of such measures is to raise the cost of using a weapon in the commission of crime (and thus, to lower the criminal "demand").

Given the points just made, it is clear that every conceivable weapons-and-crime policy suggestion would be informed by a sound empirical understanding of the various parts of the firearms market, and the bulk of the proposed Research Agenda is directed towards that end. The proposed researches are intended to fill the gaps in four major areas. First, we propose that research be undertaken to provide an accurate and valid description of the current stock of firearms held by individuals and households, that is, of the characteristics of legitimate firearms demand. Secondly, we are concerned to develop a better understanding of how firearms are circulated, starting with their manufacture or importation to their eventual removal from the stock of privately held firearms, with special attention paid to how the firearms used in crimes of various sorts are acquired and disposed of. Thirdly, we propose that some effort be given to the development of theoretical models of firearms usage in crime. In this connection we suggest that micro-economic models of the decision to engage in crime be examined to see how the use of firearms fits into the structure of anticipated benefits and costs (the "expected utilities") associated with crime choices. Finally, since it seems certain that jurisdictions will continue to experiment with legislative measures to regulate in some way the possession, use, manufacture, or distribution of firearms, or change penalties associated with the criminal use of firearms, several alternative strategies for appropriate monitoring of the implementation of such laws and assessing their effects on gun-related crimes are described.

Measuring the Stock of Firearms Held Privately: A National Household Survey.—There is a considerable ambiguity about the size, distribution, and condition of the stock of firearms held by private individuals and households. We thus propose that the National Institute of Justice fund a large-scale national household survey centering around the following topics:

1. An Inventory of Household and Individual Possession and Ownership of Firearms, including firearm type, age, condition, and purchase cost.
2. Purposes for Each Firearm and Frequencies of Use.
3. Acquisition and Disposition of Firearms.
4. Handling and Storage of Firearms: Where kept? How often maintained? Inventory of ammunition? Firearm loaded or unloaded in storage?

5. Lifetime Experiences with Firearms: Has household always had firearms? First experiences with firearms and types of socialization (e.g., military, hunting, target shooting, etc.).

Since considerable skepticism has frequently been expressed about the validity of responses to such surveys, some preparatory technical research ought to be undertaken to test out the validity of responses of critical groups of respondents. For example, special studies of registered owners ought to be undertaken in states with gun registration laws (e.g., Massachusetts), to see whether known and verified gun owners are willing to identify themselves in survey interviews.

The utility of a national firearms survey of the sort proposed here, of course, is not so much that it would bear directly on the potential effects or advisability of one or another policy option, but that it would provide useful, and presently nonexistent, descriptive evidence on the nature, condition, and patterns of use of the nation's private firearms stock.

Describing the Firearms Distribution System.—The privately held stock of weapons is replenished and increased by transfers from dealers, and ultimately from manufacturers or from other stocks (e.g., military weapons). Properly to understand the total system of weapons distribution, it is necessary to undertake some special studies of particularly important segments of the systems, as follows:

(1) *Manufacturers and Importers.*—One important source of new entries into the total stock of firearms in the United States is the output of manufacturers and the transactions of importers. Since this source consists of a relatively small number of corporate entities who are monitored by Federal agencies, the obtaining of detailed data from them on numbers, types, calibers, prices, and other qualitative features of firearms in their inventories and sold by them should be possible.

(2) *Dealers' Transactions.*—Since there are from 150,000 to 200,000 dealers licensed under the 1968 Gun Control Act, collection of complete data on acquisitions and sales from such sources will likely be expensive and fraught with data quality problems. Since dealers are required to keep records of transactions and to make such records available to ATF, basic data likely exist. Because of the large numbers, it seems sensible to undertake a sampling of dealers and their transactions. Undoubtedly, as in other businesses, considerable size discrepancies exist among dealers with some small proportion of dealers making up the bulk of total transactions; hence, a sampling strategy in which dealers are sampled with probability proportionate to their business volumes would be efficient.

(3) *Transfers from Military, Police and Corporate Stocks to Household Stocks.*—A potentially important source of replenishment for the privately held stock of firearms is the transfer of surplus, outmoded, or inappropriate firearms from the stocks held by the military, police forces, and by corporate bodies (including government agencies as well as corporations). Given the attention to police armament by firearms manufacturers, we can expect that the turnover of police firearms may be an important (if minor) source of additions to the private stock each year.

(4) *Special Studies of Transfers into Criminal Possession.*—Critical to many of the issues in the controversies over weapons and crime policy is a good understanding of how firearms are obtained by persons who commit crimes, that is, the characteristics of the illicit firearms demand. The main source of information about weapons used in connection with crimes is from weapons that are detained or confiscated by the police. We recommend that such studies be continued and enlarged, drawing possibly on data from our police survey about which departments maintain the best records for these purposes. Especially critical would be attempts to obtain information about how and at what period firearms were acquired from the persons from whom the weapons were confiscated.

An alternative to the use of police records to study illicit firearms demand is direct data collection from weapons offenders, or in short, an "offender's survey." A prototype for research of this sort exists in a study by Burr (1977) of weapons felons in the Florida jails. Burr's data are seriously hampered because they generalize only to a single jurisdiction; a replication based on offenders from several jurisdictions (ideally, jurisdictions with variable weapons regulations in force) would be far more informative.

Developing a Differentiated Crime Classification System.—The crime classification systems currently in use are based essentially on the criminal codes of our federal government and the fifty states. Despite periodic overhaulings, these criminal codes have been built by accretion with more recently recognized criminal acts added into existing categories. As a consequence, some categories are so gross that they hide within the same rubric acts that are decidedly distinct when looked at behaviorally. For example, an "assault" may vary from an attempted murder to a rough shove, the persons involved may be intimately connected or strangers and be of the same or different sex, the incident might involve a firearm or just the open palm of a hand, and so on. To classify all of these as "assaults" is to obscure essential differences among assaultive acts. In other cases, categories may be so specific that few acts are ever recorded as falling within that classification; for example, the California Criminal Code contains "theft of an avocado" as a distinct crime.

One consequence of the current classification system is to obscure the nature of crime and the use of weaponry in crime. Evidence shows that "violent crime" has risen over the past two decades, but the specific kinds of violence reflected in this trend are not known in any precise sense. While some progress has been made in the development of crime seriousness measures, these overall metrics are difficult to apply to specific events because such measures are often tied to the existing criminal classification system.

We propose that the National Institute of Justice fund attempts to develop a more differentiated criminal classification system that is feasible to use in the field by police and crime investigators and that provides more information on the nature of the criminal acts that have been either reported to the police or observed by them. The purpose of such a crime classification system is not to replace the existing criminal code, but to supplement it by providing richer, multi-dimensional descriptions of criminal acts.

For example, one potentially fruitful direction is to develop a standard set of checklist questions, to be filled in by persons recording an alleged crime, that would provide information on whether and how a weapon was used, on the place where the crime was committed, on the relationship between perpetrator and victim, and so on. At present, the recording of such details is highly variable from one jurisdiction to the next. Obviously, not all questions would pertain to all acts recognized as crimes in criminal codes, but any such device would be useful in providing some critical differentiation among the specific acts that are currently being dumped into such omnibus categories as "theft," burglary," and "assault." This in turn should help crime researchers to understand more clearly what are trends in crime and to provide policy makers with something more than gross trend data supplemented with dramatic case descriptions.

Mutual Effects on Gun Ownership and Crime.—Gun ownership in the United States is claimed to be at least partially influenced by individuals' desires to protect themselves against crime. Some observers have noted that this pattern of arming may have the effect of motivating criminals to arm themselves and to carry arms while committing crimes in which weapons are not intrinsically necessary (e.g., burglary). Others claim that widespread possession of firearms makes it easier for criminals to obtain arms through theft. On the other side, there are claims that widespread gun ownership reduces some types of crimes because criminals are not willing to risk encountering an armed potential victim.

To cast some definitive light from hard evidence on this issue would require time-series data on both crime and weapons ownership that are virtually impossible to obtain. But, it would be worthwhile encouraging researchers to investigate the utility of gun licensing information in states that have had licensing laws over a sufficient period of time, and to relate any trends therein to the crime rates. Especially useful would be licensing data that can be related to smaller areas within states and that are generated by a system that requires frequent renewals. More feasible, if less definitive, are cross-sectional studies which would relate crime rates for political jurisdictions to patterns of gun possession within those areas, assuming good local-area data on gun ownership can be obtained.

The Effects of Gun Control Legislation.—It can be anticipated that some states and some local jurisdictions will change their gun control legislation over the next decade. For example, several states have begun to experiment with "mandatory sentencing" policies. These changes present an opportunity to study the effects of gun control legislation on crime rates through interrupted time-series analyses, as in the excellent attempts to study the impact of the Bartley-Fox amendment in Massachusetts. We recommend that similar research be undertaken whenever significant policy changes occur. We further recommend special attention to the implementation and enforcement of any new measures. Accumulation of evidence of high plausibility from several states and local jurisdictions will begin to provide knowledge on what kinds of gun control legislation work with what kinds of jurisdictions and with what effects on which types of crime.

Theoretical Models of the Use of Firearms in Crime.—While the use of weapons in crime appears superficially to be so transparently obvious that there may be no good reason to investigate this topic further, more thoughtful consideration suggests that this topic may be of utmost importance. It is clear that policies designed to affect gun-related crimes are based on models of why and how guns are used in crime and more careful thought to such models, as well as empirical tests, may allow for the formulation of more effective policies.

First of all, while many commentators upon weapons and crime distinguish roughly between assaults, homicides and economically motivated crimes, it is not at all clear that the patterns of firearms use connected with those crimes are different. A model which states that crimes will be committed with guns if guns are accessible is often an extrapolation from the self-evident truth that if there were no guns available, no crimes would be committed with them. It is also a model which implies that whether or not a weapon is used is not so much a matter of calculated costs and benefits as one of convenience. A gun assault in a bar arising out of an altercation occurs only because the assailant carries guns; a street robbery involving a gun also arises of gun carrying. Note that this model leads to a strategy which attempts to lower the possession or carrying of guns, and is perhaps the basic view underlying the Bartley-Fox amendment in Massachusetts.

Secondly, careful attention has not been given to the anticipated costs and benefits of using weapons in crime, especially those crimes that would appear to have more of a rational basis. Here the issue is, say, why would a burglar carry a gun? The structure of anticipated costs and benefits include considerations of the following sort: How much is the risk of apprehension lowered by the carrying of a weapon? Will armed robbers be more successful at escaping from the scene of a crime than those who use strong-arm methods? Finally, does the possession of a gun and its use (or threat of use) in a crime increase the expected punishment if apprehended.

These issues cannot be settled easily. The best we can recommmend at this point is that the National Institute fund basic research that attempts to model the commission of gun crimes. Some attention ought to be paid to the problem of differentiating among types of crime, especially those involving injuries to persons and those from which some economic gain can be reaped. Secondly, models should be constructed which attempt to conceptualize the costs and benefits to be derived from the use of weapons on a variety of types of crime.

VII. Recommendations

Although we stated in the Foreword that we do not intend to make recommendations to policy makers or criminal justice agencies about weapons and crime policy, we do have recommendations that deal with policy on a somewhat more specific research level and whose adoption, we believe, would strengthen our understanding of the role of firearms in crime. The recommendations primarily concern the data generated at various points in the criminal justice systems and how it could be improved.

Policy Recommendations for Police Departments.—Local police departments constitute the ultimate source of data on the use of firearms in the commission of crimes. As our survey of police departments reveals, most departments record highly differentiated data on weapons, but because this information is not collected in a uniform way nor stored in an easily retrievable form, it is not currently available either for operational or research purposes. We recommend that police departments establish uniform data recording procedures for every crime reported to the police that would establish the presence or absence of weapons at the commission of a crime, whether the weapon was used, how used, type of weapon, and disposition of the weapon. All such information is currently collected by most police departments but often stored in the body of a narrative report from which it is difficult to retrieve any specific items of information. Checklists incorporated into current reports that lend themselevs easily to conversion into machine readable records are the obvious implementation of this recommendation.

Policy Recommendations for Court Systems.—Although the fairly widespread adoption of the PROMIS system (and similar machine readable court data systems) has made it possible to develop a better understanding of how the courts process arrests, the data systems are still somewhat insensitive to issues arising around the role of weapons in crime. As noted earlier, the Los Angeles system enters into each arrest record whether or not a weapon was present in the offense upon which the arrest was based. Since this information in turn is transferred from the arrest records filed by the Los Angeles police, it can be no better nor more revealing than the data forwarded by the arresting authorities. Hence, the PROMIS system's crudity reflects in part the problems in police department data bases referred to above. But, to the extent that more specific data are available in arrest charges, the PROMIS data base certainly should reflect it. Furthermore, given the sensitivity that court processing shows to the use of a weapon (as our analyses reveal), arrest processing might also be facilitated by more specific and richer data on the presence of weapons (especially firearms) and their use in specific ways in the commission of crimes.

We thus recommend that the PROMIS data systems be modified to record at least the following information: First, the data should differentiate between the mere possession of a weapon and its use in an act resulting in an arrest charge. Secondly, more specific information should be obtained about the weapons themselves, i.e., whether long gun or handgun, and perhaps even more detail on caliber, barrel length, and other weapons characteristics. Thirdly, the results of weapons checks through the BATF or NCIC systems should also be entered in the PROMIS data base. Fourth, PROMIS should note any special "enhancements" being carried with the main charge; for example, sentencing enhancements due to previous convictions on the same charge, or enhancements due to weapons use. Finally, the charge with which the weapon is associated ought also to be entered. At the present time there is no way to connect the weapons information on the file with the specific charge (or charges) with which the weapons presence is associated.

Policy Recommendations for Congress and State Legislatures.—Our recommendations to legislative bodies do not take the form of guidance about which, if any, laws ought to be passed, as we have no expertise in this topic. Our recommendations, rather, concern steps that should be taken before *any* measure is enacted, no matter what its specific form or content. And our recommendations in this regard can be quickly summarized: *First*, be explicit about the underlying assumptions upon which the proposed measures are based; and *secondly*, to the extent possible, be sure these assumptions are plausible in light of current evidence and research.

Any attempt to control crime through controlling firearms is based on assumptions and presuppositions about how weapons are acquired, distributed, and used. At present, knowledge about these topics is highly limited, although it is transparently obvious that the existing distribution system is quite complex and multi-faceted, and thus, that simple-minded interventions in the system are readily circumvented. For example, controls achieved by regulations of commercial gun dealers can be easily bypassed by relying on the more informal "swaps" or barter market in firearms, which is extensive. In like fashion, the 1968 Gun Control Act ban on cheap, foreign-made handguns was circumvented by importing unrestricted *parts* and assembling them into firearms domestically.

Common-sense definitions are often difficult or impossible to translate into specific policy guidelines or are noxious to implement in practice. For example, many current policy proposals are to the effect of limiting or banning outright so-called "Saturday Nite Specials." Such proposals overlook that "Saturday Nite Special" is almost impossible to define with sufficient clarity that the definition is useful for policy purposes (Cook, 1979). Such proposals are also based on two additional assumptions that have not been adequately researched: (i) that the Saturday Nite Special is the preferred firearm for criminal purposes (it is still an open question whether the proportion of SNS's among "crime guns" is any different than the proportion among legitimate handguns owned by the population at large); and (ii) that in the absence of SNS's, that is, lacking access to cheap low-caliber handguns, criminals would "drop down" to some less lethal weapon; for example, a knife. Nothing in the existing literature, however, rules out the possibility that they would "go up" to substantially more lethal weapons; for example, to higher-quality, higher-caliber handguns, instead, in which case the overall effect might well be a sharp *increase* in the death resulting from criminal violence.

Other policies either currently in force or recently proposed seek to forbid the sale of firearms to certain classes of persons. If these "classes" cannot be easily defined, then such measures provide only rhetorical security at best. For example, a ban on sales to "the mentally ill" supposes that there is an agreed-upon definition of mental illness, which there is not. Further, even if there were, the "mental illness" of applicants to purchase weapons could only be reliably ascertained at an awesome social expense; for example, through extensive, detailed psychological testing of each applicant. There may be very good reasons to keep firearms out of the hands of the mentally ill, but if "mental illness" cannot be precisely defined and cheaply and routinely detected, then the possibilities of actually implementing such a ban are extremely limited, and enactment in the face of such difficulties only invites widespread abuse and discretionary or inequitable enforcement.

For good and obvious reasons, policy makers are concerned to develop "interventions" that somehow influence the criminal market for firearms but do not infringe on the rights of legitimate firearms owners. Again, this is a laudable goal, but it presupposes that these two parts of the market are sufficiently distinct that policy efforts can be focused, somehow, on the one but not the other. There is nothing in the literature suggesting this to be the case, with the exception that the proportion of handguns among "crime guns" is higher than the equivalent proportion among the general private firearms stock. Policy makers should thus be aware that any action taken to deny firearms to would-be criminals will necessarily deny them to a vastly larger group of persons who will never even contemplate, much less commit, a violent criminal act. This, of course, is *not* to argue that such actions should not be undertaken, which is an entirely separate matter. It *is* to argue that infringements on access to guns by legitimate firearms consumers is one, among many, of the costs of a firearms regulation policy, and one which must, therefore, be weighed against the anticipated benefits before a rational policy decision can be made.

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b. *Chapter 7: On crime and private weapons*

It is often remarked that the United States is among the most heavily armed private populations in the Western World, and further, that the rate of criminal (and accidental) violence is higher here than virtually anyplace else. The relationship between these two facts, if any, has been the object of much speculation and assertion, and of some empirical research. Such research as exists on the topic is reviewed in the present chapter.

In general, at least three distinct relationships between violent crime and the incidence of private weaponry have been hypothesized. First, it is possible that private weaponry is an important cause of criminal violence. This, for example, is the theme enunciated in a chapter title from the Newton-Zimring (1969) report: "More Firearms, More Firearms Violence." The underlying idea is that as there are more firearms available, more crime comes to be committed with them. This view posits that much criminal violence is not intentional, but rather evolves in the "heat of the moment" and becomes criminal (assaultive, homicidal, etc.) only because the means of violence (firearms) are readily at hand. (On this, see Chapter Eleven, below.) In this view, then, criminal violence could be curbed—at least to some extent and for some important class of crimes—were the availability of private weaponry reduced.

Secondly, it is possible that private weaponry is an important effect of criminal violence. This theme was reviewed in some detail in Chapter Five, above, and indirectly in Chapter Six; here, the general idea is that persons arm themselves as a means of defense against crime, violence, and the related pathologies of modern life. The policy implication of this view is, of course, the obverse of the first view: namely, that the incidence of private weaponry could be reduced were criminal violence somehow curbed.

Note that while the first and second views lead to opposite policy implications, both have the same research implication, that is, some positive association between the incidence of private weaponry and the rate of criminal violence. The issue that separates them is which is cause and which is effect.

Still a third possibility is that private weaponry is an important deterrent to criminal violence. As people arm themselves more and more heavily, their risk from criminal violence is correspondingly reduced. The research implication is, presumably, the reverse of that stated above; here the expectation would be, all else equal, crime is lowest where the incidence of private weaponry is highest.

It must be noted in advance that these are not mutually exclusive possibilities. Certainly, at least some crimes occur only because the means with which to commit them are available. Likewise, at least some people purchase weapons in response to criminal violence; as intimated in the previous chapter, this may be especially true of recent acquisitions of defense weapons among women. And finally, there is no doubt that at least some crimes at some times and some places are deterred because the potential victim is armed. The issue here, as elsewhere in this volume, concerns the relative proportionalities involved.

Further, all three hypothesized relationships could operate simultaneously. Crime, let us suppose, increases for whatever reason. As one response to this increase, the purchase of weapons for defensive reasons increases. The then-enhanced presence of private weaponry acts as a deterrent to some crimes (e.g., rape, burglary, robbery) but functions to increase the prevalence of other crimes (assault, homicide, firearms suicide). In this case, private weaponry would respond to some crimes, deter others, and cause still others, all at the same time.

Aside from the possibility that all three hypotheses could well be true simultaneously, there are other serious barriers to a decisive choice among them. Some are strictly logical. For example, it is self-evident that a deterred crime is a relatively undetected crime. This would be less true of crimes deterred "in process" (i.e., burglars frightened off by homeowners brandishing weapons) because, presumably, at least some such incidents would be reported to the police. But crimes that are never even attempted because of advance knowledge that the potential victim is armed (i.e., the burglary that does not occur because the homeowner is a well-known marksman) would never show up in any data source. And even if it could be shown that certain types of crimes were just as common in areas with a high density of private weaponry as in areas where this density is low, the argument might still be made that the rate of crime would nonetheless be higher yet in the heavily armed areas were the citizenry not quite so well armed. As is well known, the "deterrence" effect even of relatively direct criminal sanctions (e.g., sentencing) is notoriously difficult to estimate. Estimating the deterrence effects of private weaponry is certain to be more difficult still.

Other barriers are more methodological in character. First is the age-old problem of inferring cause from correlation. Even if it could be shown that violent crime was highest in areas where the private possession of weapons was highest, it would not be clear whether it was weaponry causing crime, or crime causing people to arm themselves in protection against it, or, of course, both.

It is also possible that such a relationship would be thoroughly spurious. To cite one possible example, crime tends to increase as economic conditions deteriorate. Following a theme noted in an earlier chapter, it is also likely that hunting for meat increases as economic conditions deteriorate. Extrapolating from these possibilities, one might expect both high rates of crime and high rates of weapons purchases to occur in economically depressed areas—for example, the South. In this example, there would be a detectable correlation between crime and weaponry across region, but no causal relationship; rather, the correlation would be the spurious result of both variables being causally linked to underlying economic conditions.

One immediate implication of these points is that even demonstrable correlations between private weapons density and the crime rate over relatively large and heterogeneous geographical aggregates (e.g., nations, regions, states, even counties) are, in themselves, relatively non-informative with respect to the issues at concern in this chapter. Even if the imputation of cause in such data were not a problem (and, of course, it always is), such large aggregates are far too gross and differ in too many (typically uncontrolled) ways for such comparisons to have much meaning.

Consider the extreme, but not uncommon, case of international comparisons. Much is often made of such comparisons, as, for example, between the United States and the United Kingdom, or between the U.S. and other Western democracies. In general, the comparison consists of a simple note to the effect that there are more guns, and more gun violence, in the United States than somewhere else, and this is in turn taken as evidence that guns are a cause of crime and violence. There are at least two additional serious problems in taking these comparisons as evidence for a causal relationship between private weaponry and crime:

(i) Cases for comparison are chosen purposively and selectively; different choices lead to different conclusions. As Bruce-Biggs (1976) has noted, for example, the density of private weaponry (i.e., proportional weapons possession by households) is at least as high in Norway and Switzerland as it is in the United States, but rates of criminal violence are very low in both nations.[1] In sharp contrast to the U.S.-England or U.S.-Canadian comparisons, the comparison with these nations suggest that there is nothing intrinsic to a high rate of private weapons possession that increases criminal violence. One may thus come to entirely opposite conclusions depending solely on which other nation is contrasted with the United States.

(ii) In general, any two nations (or, for that matter, any two regions, states or counties) will differ in a large number of ways over and beyond differences in weapons ownership and in the local crime rate. Such differences may be historical, legal, cultural, or social, and are generally manifold and multifaceted, both in nature and in effects. Strictly speaking, all such factors that might themselves affect the incidence of crime would have to be held constant before the direct effects of private weaponry on crime could be legitimately detected. Stated more directly, there are many differences between, say, the U.S. and England that might be the (or, better, a) cause of the difference in crime rate. In the absence of controls for these other potential causative factors, the inference that the crime difference results from the differences in weapons ownership is gratuitous. To a greater or lesser extent, the same would be true of any two regions, states, counties, or other gross geographical aggregates.

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[1] The high rate of weapons possession by households in these nations is, of course, a reflection of their policies regarding an armed reserve militia. See Bruce-Biggs (1976) for details and some interesting commentary on international gun comparisons in general.

The conclusion that flows from these purely methodological considerations is that zero-order comparisons of weapons ownership and crime over large geographical aggregates tell us little or nothing about the possible causal relationship between these two factors. Unfortunately, as the following review makes plain, this is the most common research design employed in this area of the literature.

In general, one's statistical ability to control many factors simultaneously increases with sample size; thus, legitimate causal inferences about private weaponry and crime are more readily made if the number of geographical aggregates being analyzed is relatively large. This would, for obvious reasons, tend to rule out regions of the country, and possibly even states, as useful units for such an analysis. In this vein, cities and counties are more likely and potentially more informative possibilities, and some city and county based studies have been undertaken, as reviewed below. Such studies have the further advantage that the units of analysis are smaller and more homogeneous; as a general rule, one's confidence in causal inference from ecological (that is, aggregative) correlation increases as the homogeneity of the underlying units increases.

However, using cities or counties as units in an analysis of the effects of private weaponry on crime encounters yet another formidable methodological problem, namely, getting reliable city-by-city or county-by-county estimates of the rate at which private weapons are possessed. Unlike crime data, which are routinely recorded for both city and county levels, there are no readily available data anywhere that show city- or county-level weapons ownership rates, least of all over large numbers of units. Further, the expense of generating such data for a large sample of cities or counties is insurmountably prohibitive. Comparative large-sample studies of cities or counties as units are therefore usually based on highly inferential and potentially quite unreliable estimates of across-unit differences in weapons ownership.

As previous comments suggest, most research that has looked at crime or violence as a function of private weapons ownership is based on aggregative data. One reason for this is that while, in absolute terms, there is "a lot" of criminal violence in the United States, there is, proportionally, very little. We note in Chapter Eight that there are about a million "serious gun incidents" per year (this includes both crimes and gun accidents). In contrast, the total stock of private weaponry is on the order of 120 million guns. For this reason, few or no criminal offenders appear in population surveys of the average size; and so the question, whether weapon-owning households contribute larger numbers of criminal offenders to the total than non-weapons-owning households, has never been directly assessed.

To establish some rough magnitudes, let us assume that all "serious gun incidents" are committed by persons in weapons-owning households, and that no person in a non-gun-owning household ever commits such an incident. In any given year, we would thus have roughly 1 million incidents occurring among roughly 37.5 million households possessing a gun, and no such incidents among the remaining 37.5 million that do not possess a gun. In this case, the difference between the two groups in the proportion *not* involved in any such incident in any given year is roughly 97.5 percent to 100 percent. The point is this: if *every* gun incident that occurred in any year resulted solely and entirely because a gun were available, it would still leave well over 95 percent of all weapons-owning households contributing *no* incident-perpetrators in that same year. Thus, even in the extreme case of a perfect causal connection between weapons ownership and weapons crime, the differing orders of magnitude involved would make the relationship between these variables very hard to detect directly, even in fairly large surveys.[2]

For this and other reasons (for example, the possible reticence of respondents to report incidences of violent criminality among household members), the possibility of addressing the issue of private guns as a cause of criminal violence directly via population surveys appears to be quite limited, and this has in turn meant that virtually all relevant studies are aggregative in nature and based on comparisons of rates (rates of crime on the one hand, rates of private weaponry on the other, both calculated over some geographical aggregate). This poses one final problem worth discussing in advance of the literature review itself, namely, the problem of "connecting" private weaponry with crime when there is no direct evidence on the connection.

To illustrate with an example from the literature, one noted in Chapter Six, the South has a higher rate of private weapons ownership than any other U.S. region; also, the homicide rate is higher in the South than elsewhere, and the proportion of homicides committed with firearms is also higher (e.g., Newton and Zimring, 1969: 75). Thus, one might conclude (as Newton and Zimring do), that "more guns" equal "more gun crime." But how firm is this connection? First, the distinctiveness of the South in private weapons ownership is far sharper for shoulder weapons than for handguns; in Newton and Zimring's data, handgun ownership was actually higher in the West and Midwest than in the South; and yet most homicides involving firearms are committed with handguns, and this is as true in the South as in other regions. It seems rather tenuous to attribute homicide to the disproportionate ownership of a class of weaponry that is seldom involved in homicide. Further, in the South as elsewhere, weapons ownership (of all types) is sharply higher in rural than in large urban areas, whereas criminal violence (in the South as elsewhere) is concentrated in the large cities. Again, it seems rather tenuous to link urban murders with the ownership of guns in small town and rural areas. But tenuous links of precisely these sorts are directly implied in the kinds of regional comparisons being discussed.

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[2] That virtually all gun-owning households are not involved in a gun incident in any typical year, of course, is not proof that guns are not a cause of crime. Anti-control advocates often argue the contrary, namely, that private weaponry cannot be a serious cause of criminal violence because the vast bulk of privately owned weapons are never involved in a violent or criminal incident. But by the same token, the vast bulk of all cigarette smokers die of causes other than cancer of the lung. From this it cannot be inferred that smoking is not a cause of lung cancer. While most smokers die from other causes, the odds of dying from lung cancer are several times higher if one smokes than if not. The analogue to the case of private weapons would thus require one to show that, even though most (nearly all) guns are never involved in a violent or criminal incident, the odds of perpetrating such an incident are higher among persons possessing a gun than among those who do not

There is persuasive evidence in the literature that the Southern distinctiveness in criminal violence results nearly exclusively from the higher level of impoverishment and generally lower socio-economic conditions that prevail in that region (Loftin and Hill, 1974). This is plausible since crime everywhere (more particularly, violent crime of the sort at issue here) is far higher among the economically marginal than among the stable middle class. The Southern distinctiveness in private weapons ownership, in contrast, is almost certainly a function of differential early socialization into gun use for sport and the readier accessibility in the South of areas where the sporting use of weapons is possible (see the previous chapter). To the extent that these two points are valid, then the correspondence of high weapons ownership and high criminal violence in the South relative to other regions is purely fortuitous and, in itself, says nothing about any possible causal relationship between private weaponry and crime.

I. Is Crime a Cause of Private Weaponry?

The role of crime and violence in spurring demand for private weaponry was considered in some detail earlier, and only a brief summary of relevant findings is necessary here. All available studies suggest that about three-quarters of private arms are owned for sport, recreational, or collecting reasons; the remainder are owned for self-defense. At least some defensive weapons ownership, especially in rural, isolated areas, would be for defense against animals rather than other people; evidence from the DMI survey, reviewed in detail later, suggests that perhaps as much as half of the defensive uses of weapons are against animals as opposed to people. Proportionally, then, private weapons owned primarily or exclusively for self-defense against other humans probably amount to not more than 10–20 percent of the total private arms stock. It is, of course, possible (although not logically necessary) that many or most of this 10–20 percent are possessed as a reaction either to crime or the fear of crime.

There is considerable evidence that the criminally victimized are not any more likely than the nonvictimized to possess a private weapon (Wright and Marston, 1975; Williams and McGrath, 1976; Lizotte and Bordua, 1980). In the Seattle "permit to carry" application data analyzed by Northwood and associates (1978), only about 1 applicant in 5 cited prior victimization as a reason for wanting a permit. Going out to purchase a defensive firearm after one has been criminally victimized is apparently not a very common behavior.

Further, there is some evidence that fear of crime is also not directly linked to weapons ownership (Wright and Marston, 1975; Lizotte and Bordua, 1980). In the same vein, the time-series analysis by Clotfelter (1977) of the recent national trend in handgun sales showed that the violent crime rate was not a significant factor. In the Seattle data, census tract violent crime rates were uncorrelated with permit-to-carry applications; in the Illinois county-level data, no county crime rate measure was related to legal weapons ownership for either males or minors (Bordua and Lizotte, 1979).

On the other hand, Bordua and Lizotte (1979) do find a significant correlation between county crime rates and legal weapons ownership among women across Illinois counties. And in their individual level survey data for the state, they find that violent crime in the county is the only significant predictor of gun ownership for defense. Interestingly, in this survey, direct criminal victimization was not related to defensive weapons ownership, and neither was the respondent's stated fear of crime. Thus, it is not the criminally victimized whose weapons ownership contributes to the crime rate effect in these data, but rather non-victims living in the high-crime counties; further, it is not those most fearful of crime who are disproportionate defensive weapons owners. In general, these findings are similar to those reported by Wright and Marston (1975) from national data on gun ownership in the large cities and their suburbs. One possible scenario to explain this pattern of results is that some people living in areas of higher-than-average criminality (but not those actually victimized) get worried about their readiness to deal with a criminal attack, arm themselves with a defensive weapon as a consequence, and then, because they are armed, fear crime less. The absence of an effect for fear of crime, that is, may reflect only that the initially most fearful arm themselves and then feel psychologically safer because of it.

Why are the criminally victimized themselves not more likely to possess a gun? One possibility, perhaps remote, is that their guns are among the items taken in the victimization. In this connection, it is useful to recall the finding from Burr's (1977) analysis of private handguns in Florida, that about ten percent of the handguns ever disposed of by his respondents were lost through theft. Another possibility is that criminal victimization is concentrated among categories of people (for example, women) who have never been socialized to gun use, or among other categories (for example, the old) who doubt their ability to use a weapon efficaciously, or among other categories (for example, the poor) who are unable to afford the price. Because of social background characteristics, that is, the typical crime victim may lack either the inclination, ability, or money needed to arm oneself as a protection against crime. Still another possibility is that the criminally-victimized learn through direct, first-hand experience the futility of private weaponry as an effective crime deterrent, and thus do not bother to arm themselves, despite their victimization. A person whose home was burglarized while he or she were away would understand, in a way that others would perhaps not, that even a full-scale home arsenal would not prevent that crime; rather, it would simply give the thief more loot to steal. And likewise, a person who was raped, assaulted, robbed, or mugged on the streets would understand the uselessness of weapons kept at home as deterrents to such crimes. Still other possible explanations could, of course, be suggested, but there is little or nothing in the published literature that would allow one to choose among them.

Thus, while there is at least some contrary evidence, the bulk of the available research suggests that crime, fear of crime, and related variables are in themselves not very important factors in most private weapons ownership. Most guns are owned for sport and recreation, and there is neither reason nor evidence to suggest crime as a factor in ownership of weapons of this type. At least some guns (and a substantial fraction of handguns, perhaps as many as 40–50 percent) are owned primarily for defense, and living in a high-crime area seems (at least in the one available study that differentiates between sport and defensive weapons) to be a significant factor in the ownership of weapons of this type. There is no evidence showing that the criminally victimized are more likely to own a gun, however, so the dynamics of the "crime and defensive weapons" equation are rather more complex than simply "get robbed, then buy a gun."

II. Is Private Weaponry a Cause of Crime?

"There was a domestic fight. A gun was there. And then somebody was dead. If you have described one, you have described them all."

This quotation is from a televised interview with the Chief of the Homicide Section of the Chicago Police Department, was first cited in Newton and Zimring (1969: 43), and has since been widely cited throughout the literature as an epigrammatic, but nonetheless accurate, account of the etiology of much criminal violence. The essentials of the underlying theory of criminal violence are these: Much interpersonal violence in the society is *not* the result of premeditated intentionality on the part of the perpetrator, but rather arises in disputes, altercations, barroom fights, disagreements and fights between spouses, and other relatively minor and trivial circumstances. Such disputes arise in either of two conditions: either a gun is present, or it is not present. In the second condition, the parties dispute, then come to their senses, and except for the heightened interpersonal animosity, little harm is typically done. In the first condition, the parties dispute, blast away, and then come to their senses, but by then someone is injured or dead, and what would have otherwise been a minor dispute has been transformed, merely by the availability of a firearm, into an aggravated assault or homicide. In this view, then, the privately possessed firearm is an important cause of criminal violence; it turns otherwise harmless disputes into violent criminal attacks.

Similar arguments are sometimes also made for robbery, rape, and a few other classes of crime. Here the theme is that firearms, especially handguns, give potential offenders the courage (and means) to do what they would otherwise not be capable of doing—i.e., committing their crime. In the absence of firearms, offenders would lack the psychic strength to engage in criminally violent acts.

A third argument in the same vein is that firearms themselves catalyze violent or aggressive tendencies, or in other words, that the presence of a gun pushes a potentially violent or aggressive person past the threshold between wanting to respond violently and actually responding in that fashion.

Thus, for these and a few other reasons, it is often argued that guns are themselves a cause of violent crime, that in the absence of guns much of what is now violent crime would be qualitatively different and, indeed, essentially benign, and therefore, if there were to be fewer guns in private hands, then less criminal violence would be committed.

Initially, there would seem to be a certain logic to these points of view. Certainly, the presence of a firearm is a necessary (if not sufficient) condition for its use as an instrument of criminal violence; in other words, if there were no guns at all, then, certainly, no crimes could ever be committed with them. Given the numbers of guns already available, however, and the evident impossibility of removing anything more than some fraction of them from potential criminal abuse, the more serious research question is whether some reduction in the incidence of private weaponry would be followed by some similar reduction in the incidence of criminal violence. Since the possibilities for experimental manipulation of the rates of private weapons ownership are limited or nonexistent, and further, since there have been few or no successful legislative efforts that have achieved this end (see Chapter 15, below), least of all recently, the only practical method with which to inquire about this issue is to see whether there is less violent crime in areas with fewer privately possessed weapons, and, of course, vice versa. But this design, in turn, is imperiled by the several inferential and methodological problems discussed in the opening section of this chapter. The implication, confirmed below, is that existing research is not definitive with respect to the question whether private weaponry is a cause of criminal violence.

As in many other areas of the literature, the first sustained empirical foray into these issues is due to Newton and Zimring (1969: Chapter 11). The chapter, "More Firearms—More Firearms Violence," uses three approaches to assess the causal impact of private firearms on criminal violence. "All approaches," they say, "provide evidence that the arms buildup, if it is partly a response to increased violence, also has contributed to it" (1969: 69).

The first approach is a case study of arms and violence in Detroit. First, the data show (p. 70) a sharp increase in the number of handgun permits issued in Detroit from 1965 to 1969; in 1965, about 5,000 such permits were issued, and in 1968, nearly 18,000—an increase over 4 years of some 364 percent. (On the implications of this, see also Chapter 5, above.) The number of accidental firearms fatalities also increased during this same period, from 10 such fatalities in 1965 to 32 in 1968, or 320 percent. Thus, "firearms accident rates increased markedly during this period of surging urban armament" (1969: 70).

There are several problems with this conclusion. First, the data on "surging urban armament" are for handgun permits issued, and are thus only an indirect indicator of the trend in handguns actually possessed. (There is apparently no evidence on the number of people who actually acquire a handgun once they have acquired a handgun permit. Presumably, the percentage is large, but must be something less than 100 percent.) The data on fatal firearms accidents, however, are for all accidents reported irrespective of weapons type. Thus, there is apparently no way to discern whether the noted increase in fatal accidents is a rise in fatal handgun accidents, or in accidents involving shoulder weapons. A further problem with these data is that the permit evidence is for the city of Detroit, whereas the data on accidental deaths are for the whole Wayne County area (which includes Detroit and ten other relatively large communities). Whether the accidental deaths and the handguns buildup were both concentrated in the same place therefore cannot be discerned from these data. A final point is that the rate of fatal firearms accidents (or more precisely, the ratio of permits issued to fatal accidents occuring) does not increase in these data, the quoted conclusion notwithstanding. In 1965, there were ten accidental deaths and 4,876 handgun permits issued, for a rate of 1 fatal firearms accident for every 488 permits issued. In 1968, there were 32 accidental deaths and 17,760 permits issued, which gives a rate of 1 accidental death for each 555 permits issued. Over the four years, there is thus a slight decline in the ratio of accidental deaths per permit issued: from 2.05 deaths per thousand permits in 1965 to 1.80 deaths per thousand permits in 1968. This suggests (although, of course, does not confirm) that the "new" handgun owners were slightly more careful with their weapons than the "old" owners had been.

It is true by definition that a firearms accident can only occur if a firearm is available. In this vein, one might consider the private stock of arms as a pool of risk from accident, with the magnitude of the risk constant everywhere in the pool. In this sense, as the pool becomes absolutely larger, the number of firearms accidents increases. Assuming (i) that the increase in permits adequately indexes an increase in handguns possessed, (ii) that the increase in accidental deaths is essentially an increase in accidental handgun deaths, and (iii) that the increase in handgun ownership and the increase in accidental handgun deaths both occurred in the same parts of Wayne County, then these data are consistent with an argument that there would be fewer accidential firearms fatalities if there were fewer firearms, just as there would be fewer accidental drownings if fewer people swam, or fewer automobile fatalities if fewer people owned cars. But the data are not consistent with an argument that the possessors of new handguns in Detroit in the period 1965–68 were somehow uniquely more violent or accident-prone than other handgun owners at other times or other places.

"The increase in handgun sales is also reflected in trends in firearms suicides" (1969: 71). Again, there is reason for caution. Between 1965 and 1968, the total absolute number of suicides in Wayne County actually declined, from 318 to 305 (see their Figure 11–3, p. 72), this despite the "surging urban armament" available for self-destruction. On the other hand, the number of suicides committed with firearms did increase, from 84 to 113. But this increase is sharply less than one would expect given the apparently large increase in numbers of handguns owned. Expressed as firearms suicide rates per thousand permits issued, the rate between 1965 and 1968 drops sharply, from 17.2 to 6.4 firearms suicides per thousand issued permits. At the outside, these data suggest some very modest substitution of firearms for other means of self-destruction as a result of the "surge" in available handguns, but no net increase in suicidal death. And again, the sharp drop in the rate of suicide per thousand handgun permits suggests that these "new" handgun owners were very much less likely to kill themselves with their guns than "old" handgun owners had been.

"The most significant aftermath of the arms buildup in Detroit is its impact on crime" (1969: 72). A direct demonstration of this point would require that the people applying for permits and actually purchasing handguns during the period were more likely to commit subsequent crimes (of whatever sort) than the people who did not apply for a permit. The data, of course, contain no such direct demonstration:

the subsequent criminality, if any, among the people applying for handgun permits between 1965 and 1968 is simply unknown. So the case that the "arms buildup" was somehow directly linked to an increase in crime is at best inferential.

Data on homicide and aggravated assaults (Figure 11-4, p. 73) show a modest increase in attacks not involving firearms between 1965 and 1968, and a very much sharper increase in attacks with guns. The number of attacks with a gun in 1968 is slightly more than twice the number in 1965. But on the other hand, the availability of handguns with which to attack apparently more than triples in the same period, so here again, there seems to have been an actual decline in the proportion of private weapons involved in gun attacks over the period. The same can be said of the evidence on armed robbery (1969: 74): while there was a definite increase in armed robberies, the increase is less than one would expect if there were a direct and proportional causal connection between the number of handguns in private hands and the number of these crimes. Thus, of the various pieces of evidence presented on violent crimes in Detroit, the only one that shows an increase proportional to the increase in handgun permits issued is homicide with firearms (Figure 11-6, p. 74), which increased from 55 in 1965 to 279 in 1968. The number of these homicides committed with "new" handguns is, of course, unknown.

For a variety of relatively obvious reasons, nothing of substance can be concluded from these data about the role of private firearms ownership in causing criminal violence. Most of the increases in crime were not proportional to the increases in permits to carry handguns, which gives at least some cause for skepticism. There is no evidence anywhere that the "new" criminals and the "new" handgun owners were in fact the same people, or even that the former were drawn disproportionately from among the latter. As noted in the introduction to this chapter, it is at least possible that some or all of the "surge" in handgun permits was a response to the increase in crime, not a cause of it. And certainly, other plausible explanations of the increase in crime may be adduced, explanations that have nothing to do directly with private handgun ownership—for example, the surge in black rage against their treatment by white society that accompanied the racial turmoil of 1967 and 1968. The conclusion, that the arms buildup in Detroit "contributed to increased violence," may well be correct, but it is not warranted by these data alone.

Newton and Zimring's second approach to the issue involves comparisons between the proportional ownership of firearms and the percentage of gun use in homicide and aggravated assault across four U.S. regions (1969: 75). The impossibility of drawing a sound causal inference from such data has already been discussed.

The third approach involves comparisons across eight U.S. cities. (The investigators sought data on 14 cities, but useable data were acquired for only eight.) The comparison consists of proportions of crimes committed with guns over three categories of crime: homicide, robbery, and aggravated assault. The data show that cities with a high proportion of firearms involvement in any of the three crime types also have high proportions of firearms involvement in the other two types, with rank-order correlations ranging from .6 to .9. Unfortunately, there are no data in this comparison on city-by-city differences in private weapons ownership, and so the correlation between rates of gun ownership and the proportional involvement of guns in these crimes across the eight cities cannot be computed. In general, cities showing the highest proportional gun involvement in crime are in the South and West (Atlanta, Houston, and St. Louis are the "top three" in all three crimes types), regions where private weapons ownership is also disproportionally high. But clearly, there is nothing in these data that suggests a direct causal link between weapons ownership city-by-city and rates of criminal violence city-by-city or rates at which firearms are used in violent crime city-by-city. It is possible that the city differences in proportional weapons involvement in crime reflect local judicial, prosecutorial, or sentencing practices, not the (possible, but undemonstrated) differences in private weapons ownership.

In sum, the evidence assembled in the Newton-Zimring report is inconclusive on the issue whether private firearms are directly and causally linked to violent crime. To be sure, this hypothesis is consistent with the evidence, but neither confirmed nor denied by it. Truly definitive evidence, such as evidence on the subsequent criminality of "new" handgun purchasers of the era, simply does not exist. These points notwithstanding, the Newton-Zimring chapter is often cited in the ensuing literature as the proof that guns cause crime.[3]

Newton and Zimring are not the only investigators to have researched this question, but they are among the relatively few. "Although there has been much popular discussion, surprisingly little serious empirical research has studied directly the impact of levels of gun ownership on rates of violent crime" (Kleck, 1979: 887).

The subsequent research, as with Newton and Zimring, is also consistently inconclusive on the issue. Two of the more commonly cited studies (Seitz, 1972; and Fisher, 1976) actually do not contain a direct measure of firearms ownership, although both claim to offer evidence that firearms ownership per se increases criminal violence (specifically, homicide).

Murray (1975) has examined the relationship between five measures of "firearms violence" (firearms robberies, fatal firearms accidents, aggravated assault with a firearm, and suicide and homicide by firearm) and proportional handgun ownership across the fifty states and concludes that "it seems quite unlikely that the relative availability of handguns plays a significant part in explaining why some states have higher rates of acts of violence associated with firearms than others" (1975: 91). However, this study does not contain state-by-state estimates of handgun ownership; rather, it is based on regional rates over four gross regions, with all states in the same region receiving the same "per cent owning a handgun" score, and so this is an extremely crude test of the hypothesis.

There are two time-series analyses in the literature claiming to show a positive association between homicide and gun ownership (Phillips and Votey, 1976; Kleck, 1979), even with certain other relevant variables controlled. Kleck concludes, "gun ownership, whether measured as total guns or handguns [per capita], has a significant positive effect on the homicide rate" (1979:900); and in a later passage, "coefficients estimating the effect of the homicide rate on either total gun ownership or handgun ownership are in the predicted direction." Thus, Kleck claims to have found a reciprocal causal relationship between gun ownership and homicide: "crime is a cause of gun ownership just as gun ownership is a cause of crime" (1979:908). But even here there are some problems. For example, the effect on homicide for total guns (handguns and long guns combined) was somewhat stronger than the effect for handguns only. Since homicide is about four to five times more likely to be committed with a handgun than with a shoulder weapon, one would naturally expect the handgun variable to show the stronger effect. There are also some problems with the firearms measures (they are based on production and importation data; see Chapter Two, above), all amply acknowledged by Kleck (1979: 895–896). And finally, since all measures in this study are for the U.S. as a whole, there is no direct evidence to show that the gun increases and the homicide increases occurred in the same area(s) of the country. The argument that "crime causes guns" would, of course, not require that the gun buildup and the homicide buildup be concentrated in the same area, since, to cite an example, people in Peoria might well purchase a weapon as a reaction to crime in Chicago. But the weapons owned in Peoria could scarcely be the cause of criminal violence in Chicago, and so the reciprocal argument, that "guns cause crime," does require that the gun and crime buildups be concentrated in the same places.

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[3] See, e.g., Alviani and Drake (1975: 1): ". . . the data on crime, accidents, and suicides involving handguns shows close correlations between levels of ownership and the rate of each type of incident." As further evidence, these investigators also cite the regional comparisons discussed in the text. A very similar treatment of the Newton-Zimring results is found in a well-known publication of the Massachusetts Council on Crime and Correction, "A Shooting Gallery Called America," especially pp. 1–2.

Obviously, production and importation data for the nation as a whole cannot be used to estimate area-by-area variability in weapons possession. Thus, the only existing evidence on city-size and regional variations in the "domestic arms buildup" is that contained in the survey evidence analyzed above in Chapter Five. And that analysis, although necessarily rather crude given the nature of the data available, does not suggest a very close correspondence between the crime and handgun buildups: the increasing proportional ownership of handguns was concentrated mainly in middle-sized cities with populations in the range of 10,000–250,000 (i.e., in the Peorias), whereas the increase over the past decades in criminal violence has been concentrated mainly in the largest urban areas (i.e., the Chicagos).

In this vein, it is relevant to cite Bordua and Lizotte's (1979) analysis of crime and weapons ownership across Illinois counties. Their evidence "implies that where the rate of legal firearms ownership is high, the crime rate is low," and thus, "it is implausible to assume that legal firearms ownership increases crime" (p. 159). The explanation is apparently simple: in Illinois as elsewhere, gun ownership is predominantly rural, whereas violent crime is predominantly urban.

In sum: There is some, but not much, evidence to suggest that at least some fraction of private weaponry is purchased as a reaction to crime; by far the largest share is purchased for entirely different reasons. There is little or no conclusive, or even suggestive, evidence to show that gun ownership among the larger population is, per se, an important cause of criminal violence. Most of the research designs employed in the literature would not allow for a decisive demonstration of such an effect, even if it did exist; designs that would allow one to detect the effect usually require data that do not exist or would be prohibitively expensive to generate.

It is true by definition that gun crimes require guns, and it is true empirically that guns, mainly handguns, are involved in a very large share of criminally violent incidents. (In 1967, for example, firearms were involved in 63 percent of all U.S. homicides, 37 percent of all robberies, and 21 percent of all aggravated assaults [Newton and Zimring, 1969: 39], and more recent data show similar patterns [see Chapter Eight, below].) But it does not follow from any of this that reductions in the private ownership of weapons would be accompanied by similar reductions in the rates of violent crime, or, what amounts to the same thing, that private weapons ownership is itself a cause of violent crime.

It perhaps goes without saying that the "average" gun owner and the "average" criminal are worlds apart in background, social outlooks, and economic circumstances. The idea that common, ordinary citizens are somehow transformed into potential perpetrators of criminally violent acts once they have acquired a firearm seems far-fetched, most of all since there is substantial evidence that the "typical" gun owner is affluent, Protestant, and middle class (see Chapter Six, above).

Again, it is true by definition that everyone who commits a crime with a firearm has a firearm in his or her possession when the crime is committed, and in this sense, the gun is obviously a "cause" of the crime. But there is no good reason to suppose that persons intent on arming themselves for criminal purposes would not be able to do so even if the general availability of firearms to the larger population were sharply restricted. Here it may be appropriate to recall the First Law of Economics, a law whose operation has been sharply in evidence in the case of Prohibition, marijuana and other drugs, prostitution, pornography, and a host of other areas of banned activities and substances—namely, that demand creates its own supply. There is no evidence anywhere to show that reducing the availability of firearms in general likewise reduces their availability to persons with criminal intent, or that persons with criminal intent would not be able to arm themselves under any set of general firearms restrictions.

On the other hand, it may be, and often is, argued that much criminal violence, especially homicide, does not result from criminal intent but rather evolves from empassioned disputes that become violent (or, better, lethally violent) just because the gun was there. This line of argument is sufficiently common and important to the issues of this volume that we have devoted a chapter exclusively to it; see Chapter Eleven, below.

A final theme appropriate to this summary is that private weaponry contributes to the inherent lethality or dangerousness of the environment. Again, the idea is that private weaponry is a pool of risk; and with constant probabilities of harm across the pool, it follows that as the size of the pool increases, harm will also increase. But not enough is known about the characteristics of privately possessed weapons to decide whether this is a realistic depiction or not. Unloaded, a firearm is no more lethal than a can of peas. But it is not known just what proportion of private weaponry is kept loaded and ready for use. So far as we can tell, no one knows what proportion of weapons-owning households even keep ammunition for the weapon in the home, or how many are kept in operating condition (e.g., with cylinder or magazine or action in place), or how many are kept in secure, locked places, or, for that matter, how many weapons-owning households contain people who would know how to fire the weapon even if they wanted to. One could, of course, make assumptions about all these issues, each more or less plausible, but there would still be no firm evidence on which to base a policy conclusion. And until there is some evidence on these points, the contribution of any additional private weapon to the overall lethality of the environment cannot be assessed.

III. Does Private Weaponry Deter Crime?

The presumed deterrence effect of private firearms is often touted in anti-gun-control sources as an important argument against stricter weapons controls. What evidence is there that private firearms are an effective deterrent to crime? Or that they are not?

The argument that firearms are not an effective crime deterrent is typically made on the basis of two kinds of evidence: (i) that much crime occurs in situations or locations where the possession of a gun by the victim would not, even in principle, deter the crime, and (ii) that the number of criminals actually shot in the process by intended victims is very low.

Concerning the first of these, little need be said. The burglary of an unoccupied residence, the most common situation of home burglary, is clearly not deterrable by any firearms kept in the home, since there is no one home to use them. Likewise, unless persons walk the streets armed (and some do, see below), then private weaponry is not going to deter much or any street crime. But none of these obvious facts bear on the question whether private weapons are useful deterrents to crimes occurring in situations or areas where they would be potentially deterrable, which is the more important empirical issue.

It is also true that very few burglaries, robberies, or rapes are accompanied by the victim shooting the offender (Newton and Zimring, 1969: 62–65; Yeager et al., 1976). Newton and Zimring note, for example, that over the period 1964 to 1968, roughly two burglaries in a thousand were foiled by the intended victim shooting at the burglar; thus, some 99.8 percent were not.[4] The "deterrence rate" for armed robbery is somewhat higher, but still low in absolute terms; their data suggest that about two percent of all robberies "result in the firearms injury or death of the robber" (1969: 63). Similar results in all cases are reported by Yeager and his associates.

Since about 90 percent of all home burglaries occur when no one is at home (Yeager et al., 1976: 1), the presented evidence on the deterrence rate for home burglary is misleading. If two in a thousand of all burglaries are "foiled" by the victim's use of a firearm, and 900 in a thousand occur with no one home, then the actual deterrence rate for burglaries committed with a person in the home is comparable to that reported for home robbery--roughly 2 percent. We may thus conclude that the risk to a home robber, or to a home burglar burglarizing an occupied residence, of being shot and wounded or killed by the intended victim is roughly .02.

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[4] The figure, 2 per thousand, is a comparison between the number of burglars shot or wounded in the course of the crime and the total number of burglaries reported to the police. Burglars who were shot at but got away and were never subsequently apprehended would presumably not show up in these data as deterred crimes, and so the calculated figure may be rather too low. Also, it is possible that many burglars are frightened off by the homeowner brandishing a weapon; these, presumably, should also count as deterred crimes but would not show up as such in these data. (All these points also apply to the calculated deterrence rate for robbery, as discussed below in the text.)

This seems a relatively low risk in absolute terms and one might therefore question whether a risk of this magnitude ever prevents potential burglars or robbers from getting into the business. Interestingly enough, however, this magnitude of risk apparently exceeds the risk to a burglar of being apprehended, charged, prosecuted, convicted, and sentenced for the crime (Kleck, 1979b: 11–12). In 1976, "the overall risk of a burglar being arrested and convicted was only about 1.8 percent for any given burglary. If half . . . received a prison sentence, then the risk of imprisonment was 0.9 percent." Since there is reason, and some evidence (e.g., Tittle, 1969; Erlich, 1973), to suppose that the possibility of imprisonment, however slight, deters at least some burglary and robbery (in the sense that it discourages people from ever robbing or burgarizing), and since the possibility of being shot and wounded or killed appears to be on the same order of magnitude, then it is not at all implausible that at least some potential robberies and burglaries never occur because the people who would otherwise commit them fear the possibility of being shot by their intended victims.

Concerning burglary, it is also often noted that the probability is higher that a burglar will steal a weapon than be frightened off or actually shot by one (e.g., Yeager, 1976: 1). This may be relevant information for the homeowner who is considering the purchase of a defensive weapon, in that it compares the various types of risks and benefits that such a purchase might pose; but the result itself says nothing about whether the weapon, once purchased, effectively deters any crime or not.

Both Newton and Zimring (1969) and Yeager (1976) note that a private firearm is also more likely to be involved in a firearms accident than to be used in the deterrence of a crime. (Other data on this point are reviewed later in this chapter.) But this too is relevant only to the risks and benefits that might ensue if a gun is purchased and is not relevant to the issue of deterrence effects per se.

Another interesting theme in the Yeager pamphlet is that "the probability of being robbed, raped, or assaulted is low enough to seriously call into question the need for Americans to keep loaded guns on their persons or in their homes" (1976: 1). (How many private firearms are kept loaded is, of course, unknown.) Actually, as it happens, the odds of being criminally victimized in any year are between 5 and 10 times higher than the odds of being victimized by a natural hazard of any sort (e.g., flood, earthquake, etc.) (Wright et al., 1979), but it is unlikely that one would want to argue that since the risk from natural hazards is small, no protective measures against them need to be taken.

There is some evidence, reported by Yeager and noted elsewhere as well, that the use of a weapon against a robber is an effective deterrent in some cases. Robberies, that is, are less likely to be successful if the intended victim takes self-defensive measures (55 percent) than if not (85 percent) (Yeager et al., 1976; see also Cook, forthcoming). Thus, "use of a weapon for self-protection may be the most effective means of resisting a robbery" (Yeager, 1976: 1). On the other hand, the opportunity to use a weapon to defend against a robbery is rare, since most robbery occurs on the street with the victim unarmed, and it is also true that the death or injury of the victim is more likely if he or she resists than if not (Cook, 1980; forthcoming; see also Chapter Eleven, below).

So far as can be told, there is no evidence available on the deterrence of crimes against business that results from weapons kept on the premises. One study, cited by Newton and Zimring (1969: 66), did show that roughly one small business in four has a gun for defense against crime on the premises.

The evidence from several studies on the relationship between gun ownership and victimization by crime was reviewed earlier in this chapter. In general, no demonstrable relationship exists. If weapons ownership were an effective crime deterrent, then, all else equal, one would expect less crime against armed than unarmed households, which the data do not show. But in this sense, weapons ownership would only function as a deterrent if the criminal knew in advance that the intended victim was armed, not a very likely possibility.

On the other hand, Kleck (1979b) has pointed out that while criminals may not know whether any specific household is armed, they might know that some areas of a state or city are more heavily armed than others, and avoid them accordingly. In this case, we would expect less crime against households located in neighborhoods where the rate of weapons ownership was known to be high. This, however, must remain a speculative possibility since no relevant data are known to exist.

Concerning the deterrence of aggravated assaults, the scanty evidence available suggests that assaults are less likely to be completed if the victim uses a weapon than if no protective measures are taken (Kleck, 1979b: 13; Yeager et al., 1976).

In general, such evidence as exists on crime deterrence by private weaponry does not support the argument that guns are useless as deterrents of crime. The evidence does make it quite plain that most crime occurs in circumstances where the victim would have little or no chance to use a gun, even if one were possessed. Most violent crime (other than homicide) takes place away from the home, and thus, presumably, away from one's weapons; further, the most common type of home crime—burglary—typically occurs when the residence is unoccupied. On the other hand, in the relatively few cases where the opportunity to defend oneself with a gun is present, the evidence suggests that one is somewhat less likely to be successfully victimized if one is armed than if not.

At the same time, for the types of crimes in question (mainly, home burglary against occupied residences, home robberies, and aggravated assaults), the evidence also suggests that one is more likely to be injured or killed if one resists the offender in any way (whether with a weapon or with some other protective action) than if one merely capitulates. For crimes potentially deterrable by a private gun, then, the tradeoff in defending oneself with a gun is between a somewhat lower "completion" rate and a somewhat higher probability of suffering bodily harm.

It is also possible, of course, that the single most important deterrence effect of private weaponry could never be detected even in the largest and most sophisticated research effort—namely, the generalized deterrence of crime that results from the high overall rate of firearms possession among U.S. households. In other words, there may well be vast numbers of potential rapists, burglars, robbers, assaulters, etc. "out there" in the general population who, nonetheless, never commit a crime precisely because they know many citizens are armed and fear the possibility of getting shot. As Newton and Zimring have remarked, "it is certainly possible that the crime rate would be still higher were it not for firearms" (1969: 65). Obviously, there is no evidence that would, even in principle, allow one to examine this possibility.

If the real or potential deterrence effects of privately possessed weaponry are necessarily difficult to determine, the actual use of private weapons in self-defense is not. Indeed, two recent national surveys have explored this issue in some detail, and it is appropriate to conclude the present chapter with a review of the more relevant findings.

The two surveys are, first, the 1978 DMI survey commissioned by the National Rifle Association and noted in several previous chapters, and secondly, a survey conducted in the same year by Cambridge Reports, Inc. (Patrick Caddell's polling outfit), under commission to the Center for the Study and Prevention of Handgun Violence. Both surveys are focussed rather more directly on public opinion about gun control than on the uses of weapons in self-defense; a comparison of the public opinion results is contained in Chapter 13, below.[5] But both also have at least some information on the uses to which private weapons are put. Most of Caddell's questions along these lines focus on handgun accidents and on respondents' experiences with handgun threats or attacks. DMI's questions, in contrast, focus heavily on the uses of weapons by respondents for their own self-defense.

Table 7–1 shows the relevant question sequence and marginal results from the Caddell survey. Consistent with other studies (see Chapter Two, above), 24 percent of Caddell's respondents say they possess a handgun, 17 percent (of the total, or 71 percent of the handgun owners only) say they own a handgun "for protection or self-defense," and 7 percent (of the total, or 29 percent of the handgun owners only) say that they carry their handgun with them for protection outside the home.[6] Likewise, 3 percent of the total sample (or 13 percent of the handgun owners only) have "had to use their weapons in self-defense": two-thirds of those who have "had to use" their weapon in this manner actually fired it. It thus appears that 2 percent of the total adult population of the country has at some time in their lives actually fired a handgun in self-defense.[7]

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[5] Actually, DMI conducted two surveys for the NRA in 1978—one in person and one over the telephone. Both are surveys of registered voters only; in contrast, the Caddell survey is of all U.S. adults, whether registered to vote or not. Technical details on both surveys, and comparisons of their sample demographics, are presented in Chapter 13.

[6] Note that Caddell's figure—71 percent of handgun owners owning the gun for protection or self-defense—is much higher than the roughly 40 percent figure suggested in other sources (see Chapter Five, above). This is because the 40 percent estimate is based on a question asking for the most important reason one owns a handgun, whereas Caddell's question would also pick up self-defense as a secondary or tertiary ownership reason.

[7] It is impossible to determine from Caddell's report just how much of this 2 percent is comprised, say, of veterans who have used sidearms in combat situations or of policemen or other security personnel using handguns in the context of their jobs. Presumably, these kinds of experiences would contribute a sizable fraction of the total. Recall that according to the data shown in Chapter Five, somewhere between 8 percent and 13 percent of all privately-owned handguns are owned primarily for employment-related reasons.

TABLE 7-1.—*Data on Weapons Experience and Use From the Caddell Survey*

[If "Yes" to the handgun ownership question] Do you ever carry that handgun or pistol outside of the house with you for protection or not?

	Percent
Yes	7
Not sure	4
No	15
Don't own handgun	77

Do you own a handgun for protection or self-defense purposes? [If Yes] Have you ever had to use it?

	Percent
Yes, to threaten	1
Yes, and I fired	2
Yes, but never used it	14
No to first question	83

[If "Yes" to above] Where did you use it?

	Percent
At home	1
At business	--
On the street	--
Public facilities	1
Other places	1
Inapplicable	97

Have you ever been involved in a handgun accident? [If Yes] Were you injured or not?

	Percent
Yes, not injured	2
Yes, injured	2
No, never	96

Has anyone in your family ever been involved in a handgun accident? [If Yes] Were they injured or not?

	Percent
Yes, not injured	2
Yes, injured	3
Yes, killed	5
No, never	89

Has a close friend ever been involved in a handgun accident? [If Yes] Were they injured or not?

	Percent
Yes, not injured	2
Yes, injured	6
Yes, killed	7
No, never	85

Have you ever been attacked or threatened with a handgun? [If Yes] Were you injured or not?

	Percent
Yes, not injured	9
Yes, injured	2
No, never	89

Has anyone in your family, beside yourself, ever been attacked or threatened with a handgun? [If Yes] Were they injured or not?

	Percent
Yes, not injured	7
Yes, injured	2
Yes, killed	3
No, never	88

Has a close personal friend ever been attacked or threatened with a handgun? [If Yes] Were they injured or not?

	Percent
Yes, not injured	9
Yes, injured	6
Yes, killed	4
No, never	82

The text of Caddell's report tends to downplay these self-defensive uses of weapons. "Almost half the time, the handgun was purchased in order to provide protection, although only 3 percent of the population has actually used a handgun for self-defense." And later, "since defense is a primary reason behind the ownership of many guns, it is interesting to see whether owners have actually used their handguns for protection. As the table shows, most have not." The theme here seems to be that, while many people buy their guns for self-protection, they are seldom used for that purpose, a point that might be used to undercut self-defense as a compelling reason to own a gun.

The data on accidents, threats, and attacks are featured more prominently. According to his data, about 4 percent of the respondents have been involved in a handgun accident, half of the incidents resulting in personal injury. Likewise, 10 percent report that a family member has been involved in such an accident and 15 percent report a similar experience for a "close personal friend." Caddell's data suggest that 5 percent of the adults in the United States have had a family member killed in a handgun accident, and 7 percent have had a close friend killed in the same manner. The evidence on handgun threats and attacks is similar: 11 percent of the respondents say they have personally experienced such an attack, 13 percent report such an attack for a member of the family other than themselves, and 19 percent report such an attack on a close personal friend.[8] Roughly half of all these attacks are said to have resulted in personal injury or death. Additional analysis reveals that both handgun accidents and handgun threats and attacks are more common among households possessing a handgun than among households who do not. "What these numbers say is this: handgun violence touches a lot of people in this country." Certainly, these data show that a handgun is more apt to be involved in an accident than to be fired in self-defense, consistent with the point made by Yeager and associates.

Table 7–2 presents the DMI data on weapons experience and uses. None of the DMI questions are precisely comparable to any of Caddell's, so direct comparisons between results are hazardous. Also, all of Caddell's questions ask about handguns, where as the DMI items deal with all guns irrespective of type. A further important difference is that Caddell's questions on self-defensive weapons uses ask for information only about the respondent, whereas the corresponding DMI questions ask about both the respondent and the respondent's family members. These differences in question format are of some interest in themselves: Restricting the questions to handguns only and to respondents only will necessarily show less defensive weapons use than expanding the questions to include all guns and all family members.

According to the DMI data, 15 percent of all registered voters (or their family members) have "used a gun" for self-defense or other protective reasons at some point in their lives; in the DMI telephone poll, the corresponding percentage for an identical question was 12 percent. The telephone survey shows that roughly half of these defen-

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[8] The NORC General Social Surveys have periodically asked, "Have you ever been threatened with a gun, or shot at?" The percentage responding "yes" varies between 16 percent and 20 percent, or somewhat higher than Caddell's 11 percent (for respondents only). Caddell's question, however, stipulates a handgun threat or attack, whereas the NORC item says nothing about the kind of gun, which would account for the difference in observed results.

TABLE 7-2.—*Data on Weapons Experience and Use from the DMI Surveys*

Face-to-face Survey: Have you yourself or a member of your household ever used a gun, even if it wasn't fired, for self-protection or for protection of property at home, at work, or elsewhere (except in military service or police work)?

	Percent
Yes	15
No	85

[If yes to the above question]: Was the incident important enough to report to to the police?

	Percent
Yes	31
No	66
Don't know	3

Was the gun fired in the incident?

	Percent
Yes	40
No	56
Don't know	5

Was anyone killed or injured?

	Percent
Yes	9
No	86
Don't know	6

[All respondents]: Has anyone else you know personally ever used a gun, even if it wasn't fired, for self-protection . . . (as above)?

	Percent
Yes	27
No	73

[If yes to the above]: Was the incident important enough to be reported to the police?

	Percent
Yes	52
No	47
Don't know	2

Was the gun fired in the incident?

	Percent
Yes	47
No	52
Don't know	1

Was anyone killed or injured?

	Percent
Yes	24
No	74
Don't know	1

Telephone Survey: Have you yourself or a member of your household ever used a gun, even if it wasn't fired, for self-protection . . . (as above)? [If yes]: Was this to protect against an animal or a person?

	Percent
Yes, an animal	5
Yes, a person	5
Yes, both	2
No	88

And, have you, yourself, even been in a situation where you needed a gun to protect yourself or your family or property but there was no gun available? [If yes] Was this to protect against an animal or a person?

	Percent
Yes, an animal	1
Yes, a person	8
Yes, both	1
No	90

sive weapons uses are to protect against a person. Of the 15 percent reporting a defensive weapons use in the face-to-face survey, 31 percent say the incident was important enough to report to the police. The weapon was actually fired, it appears, in 40 percent of the incidents; 9 percent of the incidents apparently resulted in injury or death (presumably, to the "other guy"). A parallel series of questions about personal friends produces similar, but uniformly higher, numbers on all items.

The DMI face-to-face survey thus suggests that 6 percent of all registered voters or their families (.40×.15=.06) have, at some point in their lives, fired a weapon of some sort in self-defense; this finding is thus not inconsistent with Caddell's finding that 2 percent of all U.S. adults have themselves fired a handgun in self-defense. There is, in short, no serious disparity between the two findings.

DMI's telephone poll reveals another finding that figures prominently in their report; 10 percent of the DMI respondents say they can recall a situation where they "needed a gun but no gun was available." (Caddell has no comparable item with which this result might be compared.) Most of these incidents, it appears, involved a person rather than an animal.

In contrast to Caddell, DMI's report strongly emphasizes the frequency with which guns are used in self-defense. First, from the Executive Summary: "13 million [registered voters] live in households in which a family member has had to use a gun in defense of self, family, or property from another person. Further, 9.5 million registered voters can recall a situation in which they needed a gun for protection when none was available. . . . With this many voters having direct experience with guns as instruments of self-defense, it is no surprise that 83 percent feel 'most people who have guns in their homes feel safer because of it'." All these themes are emphasized again in the body of the report. "Seven out of every one hundred respondents (or 6.6 million Americans) indicated that they or a member of their family had used a gun at some time to protect self or property against another person. Additionally, nine out of every hundred (8.5 million) indicated that they themselves had been in a situation where they needed a gun . . . but none was available to them." The next paragraph of the report emphasizes that "these data may understate" the true use of guns of self-defense "because people may fail to recall episodes in the 'distant past' where they used, or desperately needed but did not have, a gun." Then, bringing the argument to its most pointed conclusion (and incidentally, its most pointed contrast with the Caddell report): "It is sometimes asserted that firearms in general, and handguns in particular, have limited use for defensive purposes. . . . The surveys found that almost 14 percent of the American electorate, or about 13 million Americans, could recall a time when they or another member of their household had used a gun for protection. . . . Of those who remember such an experience, 40 percent indicated that the gun was fired . . ., 31 percent said that the incident was important enough to report to the police, and 9 percent responded that someone was killed or injured in the incident. It is clear that guns are frequently used for protection. In a substantial minority of those remembered instances of gun use, it was necessary to fire the weapon, although few such incidents resulted in injury or death."

As is evident from the passages quoted above, DMI's report and conclusions depend heavily on rhetorical formulations of key results. Note first the persistent translation of percentages into raw numbers; via this device, a smallish percentage is transformed into, literally, millions and millions of people. A second prominent device is the occasional insertion of a word or a phrase to the actual question wording when the result is being discussed. Respondents were asked, for example, whether they could recall a situation "where you needed a gun . . . but there was no gun available." In the text, this becomes (at one point) "desperately needed but did not have a gun." Or consider the sentence, "in a substantial minority of those instances . . ., it was necessary to fire the weapon, although few such incidents resulted in injury or death." DMI's question, of course, asks only whether the weapon was fired and says nothing about whether it was necessary to fire it; these are, quite obviously, different things.

Despite the differences in emphasis and conclusions, both surveys touch enough common ground to sustain at least a few conclusions. First, as shown in all other studies, some 20–25 percent of all U.S. households possess a handgun, and about twice that percentage possess a weapon of some sort (see also Chapter Two, above). Secondly, many (although certainly not all) handguns are owned for purposes of protection or self-defense; approximately 40 percent of the handgun owners in both surveys cite self-defense or protection as the primary reason they possess the weapon, and some additional percentage cite this as a secondary reason (see also Chapters Three and Five, above). Third, at least some of the weapons that are owned for self-defense are actually used for this purpose at some point: perhaps as many as 15 percent of all registered voters or their families have "used" a gun for self-defense, a rather lower percentage (7 percent in the Caddell survey) carry their weapons with them for defense outside the home, a lower percentage still say that they, personally, have "had to use" their handguns for self-defense (which is clearly a more restrictive phrasing than simply "used"), and the proportion of U.S. adults that have actually fired a weapon in self-defense is somewhere in the range of 2 percent to 6 percent. Fourth, the incidence of firearms accidents and handgun threats and attacks is at least as prevalent as, and probably somewhat more prevalent than, the incidence of weapons uses for self-defense: people are fired at, in other words, at least as often as they fire.

In sum: It is often said that "ownership of handguns by private citizens for self-protection against crime appears to provide more of a psychological belief in safety than actual deterrence to criminal behavior" (Yeager et al., 1976: 35). This conclusion misses the point in several related ways:

(i) The vast bulk of private weaponry is not owned for "self-protection" but for other reasons.

(ii) Of the weaponry possessed specifically and primarily for defense (perhaps 25 percent or so of the total armament), some share is not for "self-protection against crime" but for protection against animals; evidence from DMI intimates that this factor might account for as much as half of the total defensive ownership.

(iii) In this day and age, a "psychological belief in safety" probably ought not be dismissed as a trivial benefit. If people feel safer because they own a gun, and in turn lead happier lives because they feel safer and more secure, then their guns make a direct and nontrivial contribution to their overall quality of life.

(iv) That private weapons are inefficacious crime deterrents has not been established directly in any source. In the case of crimes occurring in circumstances where they are potentially deterrable by a private gun, the evidence suggests, in contrast, at least some modest deterrent effects. (To be sure, most crimes do occur in what might be referred to as nondeterrable situations.)

(v) In owning a gun for protection (or any other reason), a homeowner runs some risk that the gun will be stolen or involved in an accident. This speaks to the potential costs of such a purchase, but not to the potential benefits, either psychological or objective.

(vi) At least some of the people who own guns for self-defense actually use them for that purpose; the precise percentage is, of course, very difficult to determine, as are the ensuing effects on crime and violence in the society as a whole. It is certainly possible that the high rates of crime and violence that predominate in the United States are due primarily to the widespread ownership of guns. But it is also possible that the widespread ownership of guns keeps the rates of crime and violence well below what they might otherwise be. At present, there is no good evidence anywhere that would allow one to choose decisively between these alternative possibilities.

*c. Chapter 15. Weapons control legislation and effects on violent crime**

I. *Introduction.*—While there is much disagreement on many aspects of the empirical facts about the extent of firearms ownership and its distribution in the United States, the level of accompanying rancour appears to be almost polite murmurings in comparison to the extent of disagreement and attendant feelings about legal control of weapons. Gun control legislation, existing and proposed, produces partisanship and fervour beyond any of the other issues surrounding weapons issues in the United States. The issues involved range in loftiness from constitutional questions—What does the 2nd Amendment really mean two centuries after its enactment?—to tricky technical research issues—Do the trends in crime rates after the enactment of a gun control statute signify any impact on weapons related crimes?

We will leave the philosophical and legal issues involved in gun control legislation to those scholars who have special competence to deal with them; in this chapter we will be concerned with reviewing the technical issues involved in assessing the effectiveness of such legislation when enacted and with reviewing some of the landmark researches that have attempted to estimate the direction and magnitude of such effects. The next section of the chapter takes up some of the critical technical isues that arise in the assessment of the impact of legislation on some area of human behavior. The third section reviews the procedures and assesses the findings of the major studies of impact assessment. A final section draws out the implication of preceding sections for future research on the effectiveness of gun control legislation.

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*Preliminary version, printed prior to publication by National Institute of Justice.

II. *Issues in the Assessment of the Impact of Gun Control Legislation.*—The science and art of assessing the impacts of the activities of government agencies and of legislation have grown considerably in sophistication over the past two decades (Rossi, Freeman, and Wright, 1979; Cronbach, 1980; Cook and Campbell, 1980). While there had been some attempts to assess effectiveness since the late nineteenth century appearance of the social and behavioral sciences, the development of this field received a considerable boost from the skepticism that accompanied the Great Society programs of the late 1960s. Whatever the reason, legislators and public officials then began to ask social scientists to estimate whether or not, e.g., Head Start or the Job Corps, was "working." This interest in impact assessment also extended to legislation that was not accompanied by programs but which changed procedures, shifted sanctions, or otherwise changed the ways in which established government agencies operated.

The main problems involved in estimating the impact of some government action are well known. Solutions to these problems that are satisfactory beyond question to every skeptical reviewer are much more difficult to provide. Any and all assessments of effectiveness are subject to question and hence vulnerable to more or less decisive criticisms.

The two main problems in assessment are as follows: First of all, there is the issue of defining and measuring the intended effects of the governmental action. The preambles to legislation which set forth legislative intent tend to be stated in global and rather vague terms. For example, legislation authorizing housing subsidies for poor families may be described as intending to improve the "quality of life" of the intended beneficiaries. While there may be very good reasons for the vagueness of legislative intent, it then becomes difficult to decide upon specific measures that can index the success of the program in question. Thus, should be an improvement in the "quality of life" be measured by changes in the levels of satisfaction with housing or should one measure the extent to which housing fulfills criteria set forth by public health and/or housing specialists?

The second main problem is defining what is to be considered a sign of effectiveness. It is easy to define the effects of a program or legislation as changes that would not have occurred if the program or legislation had not been enacted, but then the problem becomes how best to compute what would have happened in the absent condition. There are many false signs of effectiveness; crime rates may decline after the enactment of a gun control statute, but crime rates may have been declining in any event; gun control legislation may be enacted at the same time that penalty changes are introduced into the criminal code and the effects of the latter may be mistaken for the effects of the gun control legislation, etc. As we will see in reviewing the studies of gun control statute effectiveness, establishing the *ceteris paribus* conditions that will permit reasonable estimates of what would have happened absent the gun control legislation is perhaps the most serious problem facing researchers who venture into this area.

How these (and other) problems manifest themselves in the assessment of gun control legislation is discussed in detail in the next subsection of this chapter.

A. *Deciding on Possible Effects of Gun Control Legislation.*—The American manufacturing and distribution system and the patterns of gun ownership and use are not well known or understood. Yet legislation that is designed to alter the patterns of gun usage in crime needs necessarily to build upon some implicit or explicit model of these systems and on some empirically based parameters concerning size and distribution of household firearms stocks that describe the systems. To be more specific, if a legislator were to decide that registration of all guns held by civilians and police should be required by law, that legislator should know how many such guns would need to be registered and how many new registrations or transfers of ownerships would be generated year to year. It would obviously make a considerable difference in the costs of running a registration system if the total stock of guns in the hands of civilians and the police were of the order of 120 millions or 200 millions or whether the annual new registrations and transfers amounted annually to 10 millions or 20 million. In addition, a registration system that was based on the assumption that all gun transfers proceeded through the intermediary of a gun dealer would miss the apparently large number of transfers that take place among private citizens. And so on.

The implicit model or models of the system surrounding the distribution and usage of guns determine as well the kinds of consequences one can anticipate to follow from a particular legislative act. Thus if one assumes that the use of guns in, say, robberies is largely premeditated (i.e., a person carries a gun and looks for a target after having decided to commit a robbery), then it might make some sense to raise the penalty for robberies in which guns were used in order to raise the potential costs to robbers. Alternatively, if one believes that gun owners engage upon robbery when they are short of funds, then one might want to establish a negative means test for permitted gun ownership, allowing only persons with steady employment and/or sources of legitimate income to own and/or possess guns.[1]

Perhaps the main issue in what sort of model of gun distribution or of gun usage one should have in mind in the drafting of legislation centers around whether the level of crime affects the stocks of guns in civilian hands. Those who believe that the number of guns in civilian hands affects either the amount of crime or the types of crimes committed are in favor of measures that would reduce the stock or change its distribution (i.e., keep guns out of the possession of persons who would commit crimes). Those who believe otherwise are doubtful whether any attempts at gun control would affect the level of crime, perhaps asserting that changes in the stocks of weapons or their distribution would lead to the substitution of alternatives to guns as weapons in crimes. Indeed, the possibility of these "substitution" effects means that legislation impact assessments should take such possibilities into account.

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[1] The fact that th[illegible] proposal would be unacceptable on many grounds is not the issue of concern at the moment.

The main issue is further complicated by the fact that mixed models may be easily thought of. For example, income producing crimes of certain sorts may be affected by the stock of weapons, e.g., bank robberies or payroll robberies, while "crimes of passion" (unpremeditated murders or assaults) may simply be unaffected by the stocks of guns, assaulters and murderers using any weapons that may be at hand.[3]

All of the above discussion leads to a differentiation among three broad classes of anticipated effects:

1. *Intermediate Effects.*—These are effects anticipated within the gun distribution system and in the patterns of gun distribution and usage.
2. *End Effects.*—These are anticipated effects that are more or less desired as the outcome of the legislation and upon which the effectiveness of the legislation would be judged.
3. *Side Effects.*—These are effects that are not necessarily intended but which are also a consequence of the legislation. Of course, a side-effect could be beneficial or unwanted; the main point is that a specific governmental action can often have effects that were unintended and sometimes very much unwanted.

The distinguishing characteristic of intermediate effects is that they are intended to occur and constitute the mechanisms through which end effects are achieved. Thus a gun control statute may have the desired end effect of reducing gun use in assaults, but its desired intermediate effect is to lower the availability of "Saturday Night Specials." Of course, a given piece of legislation may be quite successful in producing its desired intermediate effect but not at all in achieving reasonable levels of success in its desired end effects. Conversely, desired end effects may appear without the desired intermediate effects.

The point in distinguishing among the three types of effects, as indicated above, is to emphasize again that a given statute is built around a model of how the social system in general works and how the particular phenomenon in question proceeds, specifying instrumentalities (intermediate effects) for achieving a set of particular ends (desired end effects), hopefully with no harmful side effects. This point also emphasizes the importance of some of the research discussed in previous chapters; an accurate and valid empirical understanding of the size, distribution, and usages of the stock of weapons held by American households is essential for the development of effective legislation aimed at controlling gun usage in violent crime.

Figure 15.1 lists some of the possible end effects, intermediate effects, and side effects that might be considered in an assessment of weapons legislation. Although the list is far from exhaustive, it will provide the reader with at least an impression of the wide variety of options available for choices among desired intermediate and end effects and the kinds of side effects that might accompany attempts to regulate the distribution and usage of firearms. Note that while this discussion is focused on "firearms," easy modifications of the discussion to restricted classes of firearms, e.g., handguns, certain types of handguns, etc., can be made without loss of meaning. The inventory of desired effects includes some which are clearly outside the realm of current discussion and are included here mainly for the purpose of providing a more complete set of policy alternatives. Clearly, only those falling within the current "policy space"—those proposals which are politically acceptable to significant portions of the decision making elites—are likely to be actually considered.

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[3] The issue of how many murders start out as aggravated assaults and are transformed into murders by the availability of guns on the scene is also relevant; see chapter 11.

Figure 15.1—Inventory of desired end effects, intermediate effects and side effects of potential gun control legislation

I. Desired End Effects:
  A. Reduction in use of weapons in crime.
  B. Reduction in stock of weapons held by private households.
  C. Reduction in weapons in accidental injuries.
  D. Reduction in stock held by "criminals."
  E. Reduction in stock of certain types of weapons (e.g., handguns, "Saturday Night Specials," etc.).
II. Desired Intermediate Effects:
  A. Regulating the weapons production system: 1. Restrictions on the manufacture of weapons; 2. Restrictions on the import of weapons.
  B. Regulating the distribution system: 1. Restrictions on the sale and transfer of weapons.
  C. Regulating possession: 1. Restrictions on ownership.
  D. Regulating usage: 1. Restrictions on carrying weapons.
  E. Raising the costs of weapons ownership and use.
  F. Raising the penalties for improper usage.
III. Possible Side Effects:
  A. Substitution of other weapons for firearms in crime.
  B. Creation of illegal manufacturing, distribution, and transfer systems.
  C. Higher costs to the criminal justice system.
  D. Higher costs to the administering agency.
  E. Higher costs to weapons users.

An effective statute can be conceptualized as one that specifies an intermediate effect that is administratively feasible, efficient, economical and corresponds to an accurate understanding of the weapons distribution and usage systems and is directed towards an appropriate set of desired end effects. It is easy to think of statutes that would not fit the bill. For example, a statute that intends to reduce the stock of weapons held by criminals through regulating the manufacture and import of weapons may simply raise the costs of weapons acquisition to all who desire to own weapons. Such a statute ignores the difficulty of identifying who is a criminal, assumes that changing prices would affect criminals possibly more than other users of weapons, and so on.

B. *Operational Measures of Effects on Crime.*—Although the major intent of most proposed and actual gun control legislation is to affect the criminal usage of weapons, completely satisfactory measures of such improper usages are difficult to come by. Crime, as such, goes largely unmeasured: all that is ordinarily available are reports of crimes that have been detected by someone—victim or witness—who reports the event to either the police or to a survey interviewer. All the instances in which, for example, burglars carry weapons cannot be reported unless the burglar is actually seen by a witness and the weapon is visible in that encounter. Weapons may be carried and not used; witnesses may not be present to observe; and victims may not detect the commission of a crime or be willing to report the event either to the survey interviewer (in the case of victimization surveys) or to the police (in the case of police generated statistics on crimes).

The defects of the Uniform Crime Reports are too well known to bear repeating in this context. Victimization surveys correct some of the deficiencies of police generated statistics, especially that of underreporting, but create others. Victimization studies can contain many accounts of events that are either very trivial or only questionably crimes and are subject to the many defects of recall frailties. In addition, most of the national victimization surveys routinely undertaken are usually too sparsely taken in any one jurisdiction to be useful, say, in studying the impact of gun control legislation in a single city, county or state.

The problem with errors of measurement is that at best such errors tend to obscure the estimated effects and, at worst, may distort such estimations. Thus, if the errors are "random" but extensive, small effects will be hard to distinguish from the ordinary "noise level" present in criminal justice statistics. If the errors are biassed, e.g., systematic under- or over-reporting of some types of events, then even genuine effects may be offset and impossible to detect. The worst possible situation is if the errors of measurement themselves are affected by the gun control legislation. For example, we see in a later section (Pierce and Bowers, 1979) that the Bartley-Fox amendment enacted in Massachusetts appeared to affect positively the willingness of victims to report weapons related crimes to the police, thereby creating an apparent rise in the number of such crimes, thus tending to obscure the effects of the Bartley-Fox amendment itself.

Of course, very large effects—dramatic and drastic declines or increases in certain types of crimes—are likely to overcome the errors of measurement problem, but such drastic and dramatic effects are unlikely to occur, least of all in the short run. If there is a single lesson to be learned from the past two or three decades of federal legislation addressed to social problems of various sorts, it is that no problem of any magnitude yields very dramatically to any single legislative effort, or even to a broad program of legislation (such as the War on Poverty), and certainly not over a short period of time. A gun control bill that is designed to remove certain types of handguns from the stocks held by private persons by prohibiting their manufacture, for example, may take years to manifest significant effects since the rate of depletion of existing stocks may be quite low.

C. *The Problem of Long-term versus Short-term Effects.*—The effects of any statutory change can be expected to take some period of time to be manifest, depending on the changes such legislation requires to be made in existing administrative arrangements. Thus a gun registration law that requires the establishment of a new agency can only manifest effects after the agency has been set up, administrative regulations established, and the everyday procedures of administration worked out. Of course, some changes may require minimal adjustments and hence can be expected to show effects after a shorter period, for example, a statute that increased penalties for convictions on weapons related felony charges. It may also take some time for side effects to appear. For example, increasing the prison sentence lengths of persons convicted of weapons related crimes may produce the unwanted side effect of prison overcrowding, a potential source of pressure on prosecutors and judges to develop accommodations to the new statutes that would result in lower prison sentences than prescribed in the statute.

These considerations argue for careful consideration of both long-term and short-term effects of any gun control legislation that is enacted. Short-term effects may be lower or higher than long term and vice versa, depending upon the kinds of impacts such laws may have on various parts of the criminal justice systems to which they apply.

D. *The Problem of Dosage.*—The problem of dosage is simply whether "enough" of the remedy prescribed in the statutes has been administered. Thus, it may well be that careful and conscientious monitoring of guns sales and transfers could interdict criminals from possessing weapons, but if insufficient funds are given to the agency with responsibility for monitoring such sales and transfers, conscientious and careful scrutiny of such transactions cannot be accomplished. Or, if penalties for weapons-related crimes are not raised enough, no deterrence effect may be shown. And so on. The issue of dosage looms large in the discussion of the effects of the 1968 federal gun control legislation (Zimring, 1975) in which it is claimed that with inadequate funds for monitoring the dealer licensing system thus instituted, the legislation fell far short of interdicting cross-state weapons sales.

The dosage issue emphasizes the importance of careful analysis of the implementation of statutory changes. Dosage problems often show up quickly in the assessment of intermediate effects; thus, the 1968 gun control legislation was found very early not to prevent the sales of weapons across state lines when the exporting state had less stringent requirements on gun ownership than the receiving state.

E. *Establishing Ceteris Paribus Conditions.*—As discussed earlier, one of the main problems in evaluating the effects of any statute is to establish the proper conditions for estimating what would have occurred without the statute. The simplest and therefore most tempting solution is to consider before- and after-enactment comparisons of, say, weapons related crime rates. The drawback is that there are many other things happening at the same time that can affect the crime rates, either depressing or elevating them. Thus a comparison of crime rates of any sort before and after the enactment of the 1938 weapons legislation would have led to the naive conclusion that the statute was quite effective in lowering crime rates nationally. Trends in the 1930s continuing into the 1940s consisted of a gradual decline in crime rates nationally; more careful consideration may lead to the likely conclusion that the trends were neither accelerated nor impeded by the passage of that legislation.

Before and after comparisons are reasonable only if the analyst is able to properly model the prevailing trends before enactment in order to make reasonable predictions about post-enactment levels of crime rates. The time series analyses performed to assess the Massachusetts

Bartley-Fox amendment (Pierce and Bowers, 1979; Deutsch and Alt, 1977) are excellent illustrations of how this may be accomplished. This is not to imply that such techniques can be applied mechanically. On the contrary, time series analyses depend very heavily on selection of models that most appropriately characterize the existing before-enactment trends. The models selected by Deutsch and Alt (1977) in their early analysis of Bartley-Fox were challenged as to their appropriateness by Hay and McCleary (1979). In addition, it may sometimes happen that other changes occurring around the time of the statute enactment may make it difficult to model appropriately what would have been expected absent the statute in question. Thus, for example, a gun control statute that is enacted at the same time that changes are made in police practices, will have its effects confounded with those of the police reorganization, an event that likely cannot be modeled.

Time series analyses are perhaps the only way to deal with estimating the effects of national statutory changes. Where changes take place in some jurisdictions and not in others, comparisons across jurisdictions may provide yet another way of estimating what would have happened absent the statute under scrutiny. The issue here is what are appropriate comparison jurisdictions? The general principle is that a jurisdiction ought to be compared with others that are as nearly identical as possible. Since no two jurisdictions are exactly alike, comparability is always a matter of degree. Adjacent states in the same region are perhaps more comparable than more distant jurisdictions: nearby cities of comparable size and demographic composition are likely more comparable than more distant cities or ones of different size or composition. And so on. The choice of comparison jurisdictions is of course, more a matter of art and judgment than science and any choice is subject to dispute. Perhaps the best strategy is to pick a number of comparison jurisdictions (see Pierce and Bowers, 1979) and if the majority of such comparisons support a particular interpretation, the conclusions are considerably strengthened.

Under some special circumstances, it may be possible to conduct actual field experiments with gun control measures, especially ones which would test out alternative means of implementation. The actual example that is closest to an experiment of the sort contemplated was an attempt to provide maximum administration of the 1968 gun control law (as described in Zimring, 1975) in which licensed gun dealers in nearby Maryland and Virginia localities were monitored carefully to detect sales to District of Columbia residents, in violation of the 1968 Act. The impact of the "experimental" dosage level was measured by observing the trends in weapons-related crimes within the District.

F. *Some General Observations on Impact Assessment.*—The discussion in this section is designed primarily to alert the reader to some of the problems that face researchers who attempt to make assessments of the impact of gun control statutes.[3] Perhaps the most important message is that such assessments cannot be made sensibly without intimate knowledge and understanding of how guns are distributed and used in the United States and in the particular jurisdictions in question. Such knowledge is useful in understanding how a given piece of legislation is intended to work and how it is likely to work—through what mechanisms and with what changes in the structure of incentives and sanctions for criminals, police, victims, courts and other participants in the general criminal justice system.

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[3] More detailed and technical analyses of these problems can be found in the standard works on the evaluation of social programs, e.g., Rossi, Freeman and Wright, 1979; Cook and Campbell, 1979; Cronbach et al., 1980.

Of course, such knowledge is agnostic *a priori* with respect to whether it is at all possible to achieve the desired amount of control and desired effects on crime. Indeed, one of the major motivations for increasing the depth and accuracy of our general knowledge concerning firearms and their distribution is to be able to make such predictions. This chapter assumes that gun control may be effective in achieving some ends, but that is simply a working assumption for this discussion.

Also of importance is the expectation that massive and dramatic effects of gun control legislation are unlikely outcomes of most contemplated gun control statutes. This expectation is founded on an understanding that crime rates, in particular, are affected by many trends in the society and that the contribution that gun control could make to changes in crime rates is likely to be relatively slight. The implication for evaluations of gun control impacts is that such research efforts have to be made carefully since the effects to be detected are likely to be slight and easily swamped by the noise level that ordinarily exists in the system. Another implication is that findings will usually be subject to dispute; slight changes in the specification of research models of the gun control legislation effects are likely to lead to changes in the estimated sizes of effects.

III. *Landmark Evaluations of Gun Control Effects.*—This section reviews some of the major attempts to assess the effectiveness of gun control legislation that was in place at a point in time or had been newly enacted. The studies were chosen for scrutiny both because each has been cited repeatedly in the literature on gun control and because they each represent major approaches to the problem posed by evaluation.

The three major approaches, each described in a subsection below, are (i) cross-sectional studies which attempt to estimate the effects of "natural variations" in gun control legislation by states or other political jurisdictions on weapons-related crimes, (ii) time series studies which look at the shifts in relevant crime rates that occur at the time of the introduction of a change in gun control legislation; and (iii) "process studies" that attempt to show how particular changes in gun control policies are implemented through intermediate effects.

A. *Cross-sectional Studies of "Natural Variation" in Gun Control.*—The 50 states and thousands of counties and municipalities that exist in the United States provide considerable opportunity for "natural variation" to arise in the way in which particular political jurisdictions attempt to regulate the possession and use of weapons. While state legislation ordinarily has priority over local ordinances and laws, states often delegate to localities the authority to enact additional regulations that go beyond what the state may require.[4] Generally, regulations tend to be more restrictive in states in the Northeast region of the United States, as opposed to the South and the West and more restrictive in larger as opposed to smaller cities and counties. Thus among the most restrictive states in the Union are New York, Massachusetts and New Jersey. New York City, Boston, and Chicago are more restrictive than most cities in the country.

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[4] The extent to which such local variations exist may be seen in the results of the Policy Department Survey and in the survey of gun control regulations contained in Chapter 14.

It would seem only sensible to attempt to trace out the implications for weapons-related crimes of this natural variation; indeed, two studies reviewed below attempt to do so for the 50 states.[5] The problem, of course, is that the 50 states are not comparable one to the other, being composed of varying mixes of demographic, economic and even historical factors that might conceivably be affecting the crime rates of those states, independently of gun control legislation. Indeed, one might easily entertain the theory that the underlying conditions that induce legislators to enact gun control legislation are the same that produce state gun-related crime rates. Hence the assessment of gun control legislation effects depends for its plausibility on the researcher's ability to unravel the confounding effects of state socio-economic, demographic and political characteristics from legislative effects. The two studies described below take two different approaches, leading to markedly different conclusions concerning the effectiveness of gun control legislation.

(1) *Geisel et al. (1969)*[6]*:* Using an inventory of state regulations in effect at the time, Geisel and his associates attempted to relate statistically a set of crime, accident and suicide rates involving firearms to a combined index formed from the state regulations. The index displayed in that article is one of several dozen ways in which numerical scores were given to each state according to the particular configuration of regulations in effect; the scoring system which produced the highest relationship to the largest number of gun-related crime rates was selected for discussion in the article.

Another study (Seitz, 1972) may also be cited. Seitz attempted to model the effects of gun control on the availability of weapons across states, and its subsequent effect on homicide rates. This study also suffers from insufficient attention to the processes that produce interstate variations in crime rates of all sorts. Among the least sensible statistics produced in this article is a correlation computed between the total homicide rate, the gun-homicide rate, a computation that inflates the correlation coefficient perforce since gun-related homicide is included in all homicides, part-whole correlations generally being tautologically high (see Chapter 11).

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[5] Other types of variation present even greater temptations which most social scientists at least have resisted trying to analyze. Countries vary even more markedly in the restrictions placed on weapon possession, ranging from Switzerland (which virtually requires each adult Swiss male national to possess a weapon and ammunition as part of his service to the national militia) to England and Ireland (where ownership of handguns is virtually forbidden and severe controls are placed on the ownership of long guns). Some appreciation of the international variation in gun control can be attained from King (1973) as well as General Accounting Office (1978). Neither study attempts to draw any conclusions from the cross-national comparisons presented except to note that crime rates and the restrictive or permissive nature of gun control cross-nationally seems to be scarcely related. On the problems of international compadisons, see also Bruce-Briggs (1976) and Chapter Seven. above.

[6] Earlier studies conducted by Krug (1967, 1968a. 1968b) purported to show no relationship between gun control legislation and crime rates. But since states were grouped into very large categories and socio-economic and other relevant characteristics were not held constant. Krug's results have generally been heavily discounted in discussion of gun control legislative effects. Krug's studies received widespread publicity (they were published in the Congressional Record) and Geisel's research must be regarded as partly a response to Krug's analyses.

Recognizing that crime rates were also dependent on other characteristics of the states, the authors entered into a multiple regression model several state characteristics: average per capita income, median school years completed by adults, males per 100 females, police employees per 1,000 residents, proportion black, population density, median age, and licensed hunters per capita. Multiple regression equations linking the dependent variables with the above along with each state's numerical score on the regulations indexed yielded sets of effect coefficients for all the independent variables. The coefficients for gun regulations tended to show for most dependent variables that the stricter the gun regulations in each state, the lower the deaths, injuries, suicides and crime committed with guns. The authors further estimate that if each state brought its regulations up to the strictness (then) of New Jersey, several hundred deaths from firearms would be averted each year in the country as a whole. Similar calculations were made over 129 cities using state regulations in which the cities were located.

The main problems with the Geisel et al. analyses center around the statistical model used. As discussed earlier, establishing the *ceteris paribus* conditions in cross-sectional studies requires that the investigator have a fairly complete understanding of how the particular crime rates are generated. The variables entered into the equations as "controls" are largely ad hoc. Most are known correlates of crime rates, but they are not held together by any systematic theory of how crime rates are generated. For example, a theory of crime that weighed deterrence heavily might have led the investigators to include clearance rates, average sentences given out to persons convicted of gun-related offenses, or other similar variables as part of the analysis. Since the theoretical relevance of the control variables used was not explained (and hence cannot be evaluated), one can only suspect heavily that the *ceteris paribus* conditions may not be plausible. In other words, variables may be left out, causal relationships among variables may be wrongly specified, and some variables may be simply alternative proxies for the same underlying phenomenon. In short, the analysis presented is not very plausible just because it is not driven by a plausible or explicit theory about the dependent variable.

(2) *Murray* (*1975*): The contrast between Murray's research and Geisel *et al.* (1969) described above illustrates dramatically the effects of posting alternative statistical models in cross-sectional studies of the effects of gun control legislation. Murray used data from the 1970 Census to characterize each of the states along with Uniform Crime Report data from the same year. State regulations concerning guns were modelled as a set of dummy variables using information obtained from Bakal (1966) rather than summarized into an overall numerical index, as in Geisel et al. (1969).[7] In addition, certain variables were used in Murray's analysis that had not been employed by Geisel, including the log of total state population, percent unemployed, percent below the poverty line, percent of population who were interstate migrants and so on. Thus, the implicit underlying theory of firearm

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[7] Criticisms were raised by Jones (1980) that date were incorrectly transcribed by Murray from Bakal's state law inventory. Specifically, the state of South Carolina was described by Murrray as a strict control state while Bakal shows that the laws in question had been repealed and that South Carolina was no longer a strict gun control state by 1970.

violence employed by Murray is substantially different from the "theory" that appears in Geisel et al. Still, Murray provides little rationale for or discussion of his model, either in general or in the specific ways in which it departs from the Geisel model discussed above.

Also, the form of the statistical analysis employed by Murray was different in important ways from that employed by Geisel. Using a backward stepwise regression method, Murray "forced" all the independent variables (save the gun regulation dummies) into the equation, first allowing those variables to absorb as much variance in gun-related crimes as possible, then adding the gun control dummies and allowing them to absorb any additional variance. While this is a perfectly acceptable procedure for many purposes, it should be noted that its use implies a model that allocates any effects of the state characteristics that may be shared with the gun control legislation to the former. In other words, if legislators are more inclined to institute licenses to carry firearms in states that are outside the "Old South" because it is part of non-Southern culture to do so, any joint determination of crime rates by region and gun control legislation is allocated entirely to the regional variable in Murray's formulation.[8] This procedure, in short, "stacks the deck" against such effects as the gun legislation variables might otherwise produce.

Murray's analysis also includes data on hand gun ownership obtained from Harris and Gallup polls. Since neither of these two surveys are based on samples large enough to permit state by state tabulations only levels of gun ownership in four regions of the U.S.[9] were used, a decision that conceals potentially large variations from state to state within regions in the possession of guns by households (see Chapter Seven).

Murray's analysis indicates that there are no significant effects of gun control legislation on the crime rates in question. These results are obtained for homicides, assaults, robbery, suicide, and gun accidents.

Murray's analyses are no more plausible than Geisel's. Taken together, the two studies confirm that cross-sectional studies of this sort are highly sensitive to alternative specification of the statistical models employed, and possibly to the analytical strategies employed as well. Cross-sectional studies that are not informed by reasonable theoretical models of how states, cities or regions vary in crime rates can produce misleading and contradictory results, and until such theories are developed, little of substance can be concluded from studies of this type.[10]

B. *Longitudinal Studies of Gun Control Legislation.*—A much more promising strategy for examining the impact of gun control legislation is the before-and-after longitudinal study. States and other political jurisdiction shift from more permissive to less permissive legislation concerning guns (and, sometimes, vice versa) whenever new gun legislation is enacted. These changes, under proper circumstances, obviate many of the difficulties in specifying *ceteris paribus* conditions since the jurisdictional experiences before the new legislation can be contrasted with those occurring subsequent to enactment. Of course, there are many caveats that have to be observed, since the legislation changes may be accompanied by other shifts that could also influence the anticipated outcome, e.g., an urban disturbance occurring around the same time may increase gun possession, or a rise in unemployment among youth may increase the number of robberies, and so on. But, the difficulties in using such shifts in legislation are considerably less than those involved in the analysis and interpretation of cross-sectional differences.

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[8] This statement does not imply that we accept the notion that there is a regional culture (see chapter 6). All we mean to imply is that Murray's formulation implies that there is not. This and other features of the implcit theoretical structure underlying Murray's procedures are not clearly set out by him.

[9] Two states, Hawaii and Alaska, are ordinarily simply left out of the Harris and Gallup samples since each would be allocated only a very small number of very expensive interviews. However, these two states are somehow allocated out to regions in Murray's analysis.

[10] On the other hand, the fact that alternative specifications of the underlying conditions which cause crime lead to entirely opposite research findings means certainly that the effects of state-level weapons control legislation are not sufficiently large to overpower specification errors. This implies that if state-by-state legislative variation has any effects at all on state-by-state variation in gun crime and gun violence, then the effect can only be subtle at best. Assuming accurate measurement of the legislative variability, a truly powerful effect would be detectable in either Murray's or Geisel's data.

The major longitudinal studies can be roughly classified into two types, process studies and time series analyses. The former are concerned mainly with the impact of the new legislation on the ways in which gun control legislation is implemented and less on the outcome in terms of the use of weapons in crime, while time series analyses are more concerned with measuring the effects of legislation on crime rates of various sorts. Both have value; process studies address the critical issue of the intermediate effects of such legislation while time series studies are concerned primarily with end effects.

(1) *A National Process Study: The 1968 Federal Gun Control Law (Zimring, 1975)*: Zimring's (1975) study is perhaps the most extensive examination of the experiences with the most recent major federal legislative effort in the direction of gun control. The 1968 Act was a complex variety of measures aimed at eliminating interstate sales of guns (thereby intending to aid states with stronger gun controls from being undercut by dealers in more permissive states), prohibiting sales to certain classes of individuals, notably minors, persons convicted of felonies, mental defectives and drug users, and limiting imported firearms by prohibiting the import of surplus military firearms and restricting imports largely to those weapons that could be used for "sporting purposes." [11] Administrative responsibility for the Act was given to the Bureau of Alcohol, Tobacco and Firearms within the Treasury Department.

Zimring's account of the first 5 years of the operation of the 1968 Act was limited primarily to an analysis of the operating assumptions of the Act and a description of its administration.

Zimring notes that although the Act called for licensing of dealers who were to maintain records of their firearms transactions, very little was done to police the implementation of the licensing and transaction regulations. Although cases referred for prosecution increased considerably after the Act was passed, the sheer volume of transactions was such that almost any extensive policing of dealers would have been far beyond the capacity of BATF to undertake. The considerable task of investigating applications for dealers' licenses

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[11] Thus, the Gun Control Act of 1968 is a classic example of a problem well-known in the evaluation literature. The Act is not a simple measure with a single intended outcome, but rather a large number of distinct measures, each with a different end purpose in mind Evaluating "the" effect of the 1968 Gun Control Act as a whole would obviously be a very difficult business.

(there were about 160,000 licensed dealers in 1972) was simply more than the relatively small handful of Bureau agents could be expected to undertake. Inspecting dealer records for compliance with provisions of the Act, much less investigating whether dealers were complying with the exclusionary provisions of the Act, were completely beyond the capacity of the Bureau.

Much more success was achieved by the provisions that regulated the importation of certain types of guns. Aimed at the importation of "Saturday Night Specials," the Act left it to the Bureau to find a specific definition. The Bureau came up with a quantitative "factoring" index which took into account, among other things, barrel length and weapon weight. The consequence of the introduction of this definition was to lower the number of handgun imports significantly during the first few years after the passage of the Act. However, as Zimring was able to show, domestic production of handguns increased to fill at least part of the gap.[12]

Zimring attempts to show that the lowering of handgun imports had some impact on certain gun-related crimes, especially handgun homicides and firearm assaults. While it is apparent that the rates at which such offenses increased began to decline after 1969, it is not at all convincing that decline in importation produced the rate decline. For one thing, we do not know the price elasticity of weaponry for persons who commit crimes. It may well be that a doubling or even tripling of the price of handguns on the legitimate and illegal markets would have no effect on their ownership for illicit purposes. Secondly, it is not at all clear that "Saturday Night Specials" are the weapons of choice for persons who use weapons in the commission of crimes (see chapter 10). Finally, it may well be that the rate of increase in the relevant crime rates would have begun to decline in any event and that the coincidence noted by Zimring may not indicate any causal link after all.

Zimring also attempts to measure the ability of the Act to lower sales by dealers of handguns to persons residing out of state. Since the local gun laws in Boston and New York are enforced strictly enough to, in effect, prevent sales of weapons within each city, weapons perforce have to be procured from out of the city and in most cases from out of the state. Trends in handgun homicides in the two cities, however, indicate no wiggles in the period after 1968 that would be consonant with the interpretation that the law was effective in reducing interstate sales. Indeed, if anything, it appeared that firearm assaults increased in New York and Boston more than in other places throughout the nation.

Zimring's analysis points up sharply some of the points made earlier in this chapter about the importance of having a firm, empirically grounded understanding of the facts concerning gun usage in crime before embarking on legislation. It is not entirely clear that Saturday Night Specials are the weapons of choice for criminals; rather there is developing some evidence that such weapons are bought mainly by persons who are not professional criminals. Secondly, the pattern of interstate commerce in guns on the retail level was not well understood; hence regulation of sales by dealers to out-of-state purchasers could not be adequately policed for compliance. Finally, a method of gun regulation that implied a considerable increase in BATF manpower should have been accompanied by such increases in order to achieve any effectiveness. Since the Act was based on little or no knowledge of the phenomena it was supposed to control, we should not be surprised that it produced few or none of the intended effects (the reduction of handgun imports possibly being the only major exception).

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[12] Some wide differences between Census and ATF import statistics make it ambiguous whether the trend toward lowering of imports continued through the end of 1975; see also Chapters 2–5, above.

While Zimring's analysis does not make any strong statements concerning the impact of the law on gun-related crimes (indeed, it could not do so), the analysis is quite valuable because it investigated the important issues in administration as described above. For example, an import restriction that actually did not restrict imports could have no impact on weapon usage nor could a registration system for sales have any impact without some efficient means for monitoring compliance. Hence such "process" studies prove to be of value even if they cannot and should not lead to estimates of effectiveness.

(2) *Local Process Studies of the Massachusetts Bartley-Fox Amendment* (*Beha, 1977; Rossman et al., 1979*)*:* In 1974 the Massachusetts legislature passed an amendment (known as the Bartley-Fox amendment) to its gun control laws which expanded Massachusetts licensing procedures and made unlicensed carrying of firearms an offense with a mandatory sentence of one year, forbidding the suspension of sentences, nonfiling of cases, plea bargaining and other devices used by courts and prosecutors to avoid felony convictions when they thought it advisable.[13] The passage of the Bartley-Fox amendment was accompanied by several months of widespread publicity before it became effective in July 1975.

In a very fine-grained study of process, Beha examined the facts of every arrest charge involving weapons that was processed through the courts of Suffolk County (Boston) in the period April through September 1975, as well as a parallel set of cases in a 6-month period in 1974. In addition, UCR and Boston Police Department arrest records, statistics on the issuance of firearms permits, and interviews undertaken with police, prosecutors and defense attorneys were employed in the analysis.

While Beha did undertake to assess the effectiveness of the Bartley-Fox amendment in lowering firearms-related offenses, a major portion of his analysis centered on the ways in which the Suffolk County Courts handled such charges. Initially, there was some concern that the courts would resent the loss of discretion imposed by the Bartley-Fox amendment and work out evasion tactics which would restore their ability to deal flexibly with cases of weapons carrying violations. In addition, it was also believed that arresting police might be reluctant to enter a carrying charge because of the mandatory penalties carried in the Bartley-Fox amendment.

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[13] The publicity preceding the enforcement of the Bartley-Fox Amendment stressed possession as well as carrying, a theme that was not in fact true about the legislative change. Persons could still possess unlicensed weapons in their homes and places of business without violating the law, a provision of the law that was contradicted by its publicity.

Beha's study of court cases indicated widespread compliance with the provision of the amendment that restricted judges' discretion. Persons charged with weapons carrying violations were either acquitted or sentenced as the law required, whereas before the enactment of the Bartley-Fox amendment a fairly large proportion of such cases were given suspended sentences or kept on file for periods of time without sentencing.[14] In short, it appeared to Beha that, at least for the first six months of experience with the law, it was being properly administered by the courts.

Inspection of the Boston police arrest records also led Beha to the conclusion that the Boston police were not reluctant to arrest on carrying charges. Although there was a drop in such arrests after Bartley-Fox, there was no evidence that this was due to arresting officer discretion; rather, inspection of additional charges filed indicated that the association of carrying charges with other charges remained the same before and after Bartley-Fox.

Beha's study also indicated that the Bartley-Fox amendment had little effect on other weapons-related charges. Thus if a person was charged with armed robbery in which an unlicensed handgun was used, a weapons carrying charge was ordinarily not filed as an additional charge. Indeed, the latter carried with it under Bartley-Fox a much smaller mandatory sentence than ordinarily given out for armed robbery and hence did not add much to the prosecution of the more serious weapons-related crimes.

Beha also made some comparisons of police reports of weapons-related crimes before and after Bartley-Fox. We do not discuss those comparisons in any great detail because they are ambiguous in meaning without careful specification of the *ceteris paribus* conditions.

Beha's process analysis again shows the importance of working out and studying in detail the process of enforcement in the case of gun control legislation. There were several points at which the operations of the law could have been vitiated; police may have stopped entering carrying charges; prosecutors may have found ways in which to use the charges in plea bargaining with the accused; and judges could have avoided the mandatory sentencing provisions by dismissing more easily certain types of cases. Note that the issue here is not whether things have changed or not, but whether the cases of detected violations of carrying weapons are treated in the courts as the legislation apparently demands that they be treated.

Rossman et al. (1979) extended Beha's earlier study in several directions. Most important, the time period of analysis was extended beyond the first six months after Bartley-Fox came into operation; also, the jurisdictions studied included Springfield and Worcester (in addition to Boston); and the data collected included systematic interviews with prosecutors, defense attorneys, policemen, and judges and clerks of the courts. In addition, a much more sophisticated before-and-after analysis of crime rates was undertaken (to be considered separately in the next subsection).

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[14] This is a Massachusetts device for achieving a "conviction" without creating a felony record for the accused. If the accused comes before the court again on a felony charge, the unfiled case is then activated and a sentence imposed. This device is used frequently for first offenders and for persons who appear to the judge to be "ordinary" law-abiding citizens.

Rossman and his colleagues found that there were differences in the accommodation of the criminal justice system to Bartley-Fox over time. In the year immediately following enactment, enforcement appeared to be pursued more vigorously than two years later. Arrests on carrying charges increased after enactment but then declined in the following year. Interviews with policemen indicated a widespread lack of clear understanding of the provisions of the law and its applicability, resolved in favor of enforcement in the first year and otherwise in the second year. Some of the courts systematically undercut the law by downgrading charges of carrying to possession, leading to the restoration of discretion to the courts that was intended to be reduced by the passage of Bartley-Fox.

Rossman and his colleagues also noted that after the passage of Bartley-Fox, convictions on carrying charges declined for those charged, indicating that judges and juries were less willing to convict on such charges, perhaps another type of evasion of the intent of Bartley-Fox. Indeed, the investigators conclude (very tentatively) that the Bartley-Fox amendment only led in Boston to 40 more prison sentences over a year's period for carrying charges than would have been expected.[15]

The major importance of the Rossman et al. study was to show that longer term effects may be different than short-run effects. It apparently takes time for a complex, loosely coupled system such as the criminal justice system to absorb and assimilate a change such as that represented by the Bartley-Fox amendment. Initial responses may not be the same as long-term responses; indeed, the studies reviewed are hardly very long-term, extending only two years after enactment. Whether the trends seen by Rossman and his colleagues toward a reestablishment of the status quo ante continued or reversed in subsequent years is of course completely open.

(3) *Time Series Analyses of the Bartley-Fox Amendment's Effects on Relevant Crime Rates (Deutsch and Alt, 1977; Pierce and Bowers, 1979)*:[16] Because crime statistics are collected and available on a fairly fine-grained time scale, it is possible to examine the effects of identified changes in the criminal justice system on crime rates in general and on specific types of crimes. The general logic of proceeding is clear and simple even if the specific procedures to be employed are complicated and demanding. The general principle that underlies time series analyses is that it is possible to estimate the behavior of a time series at a particular point in time through an analysis of trends in the data at previous points in time, a principle that asserts that abrupt and dramatic changes are unlikely; the best way to predict how many crimes there will be in a given month is to analyze how long-term trends, seasonal trends plus variability of an unstructured sort would lead one to predict a particular set of values for the month in question.

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[15] The calculated number is based on a number of precarious assumptions and hence can only be regarded as providing some evidence that the number of convictions that could be attributed to Bartley-Fox was not large, over and beyond what would have been expected otherwise.

[16] Other studies using time series for the study of gun control effects include Diener and Crandall (1979), who studied the effects of a general crime control act that included gun control on crime rates in Jamaica. The models used, however, are much more primitive than those in the studies reviewed here and cover a shorter period of time before and after the intervention.

Deutsch and Alt in an early article applied sophisticated time series modeling to investigating the effects of Bartley-Fox on gun assaults, homicides and armed robbery for the city of Boston for the 6-month period following the implementation of Bartley-Fox. Using the estimation techniques of Box and Jenkins (1970), the investigators fitted an estimation formula to the monthly time series (1966 through 1974) for the three types of crimes, projected the series forward and compared their estimates of what was to be expected with the rates of actual occurrence in each of the 6 months following implementation of Bartley-Fox. Deutsch and Alt conclude that the Bartley-Fox amendment affected crime rates for armed robbery and gun assaults but not for homicide.

It should be noted that these findings apply only to the city of Boston and only to the 6 months following the implementation of the law, and assume that the Box-Jenkins model fitted and was the best one among those available. This last qualification again emphasizes that theoretical models are critically important in assessing effectiveness.

In an article critical of Deutsch and Alt, Hay and McCleary (1979) dispute whether the time series model used was appropriate. Asserting that another model was more appropriate, Hay and McCleary show that the use of their "better" model led to inconclusive findings in which the differences between predicted and actual crime rates for gun assault and armed robbery were not statistically significant. In a rejoining article, Deutsch (1979) disputes the criticisms of Hay and McCleary and asserts that the original Box-Jenkins ARIMA model chosen was appropriate. Since we are not in a position to judge these claims and counter-claims, the best we can do is to point to the clear implication that time series analyses are not the applications of some predetermined procedure but require the judicious selection among a variety of alternatives, a decision based on artful diagnoses of empirical data as well as matching models with theoretical understandings.

A much more extensive attempt to assess the effects of Bartley-Fox is represented by the work of Pierce and Bowers (1979). These investigators enlarged the data considered to include a longer period of time after Bartley-Fox implementation, compared the trends in Massachusetts and Boston with other states and communities, and considered trends outside Boston as well as Boston itself. Indeed, Pierce and Bowers achieve a more convincing analysis of Bartley-Fox impacts because the several data bases used strengthen each other considerably.

Trends for Massachusetts are compared with crime trends in nearby states, for the New England area as a whole and for the Northeast region. In addition, trends in urbanized counties abutting on Massachusetts are compared with Boston and the state as a whole. Pierce and Bowers find that the incidence of gun assaults was deflected downward by the introduction of Bartley-Fox, with a compensatory increase in assaults in which guns were not used. Apparently, Bartley-Fox had both a deterrent and a displacement effect. As for armed robberies, a moderate deterrent effect was detected with a possibility that guns were again beginning to be used two years after Bartley-Fox went into effect, particularly against victims in certain types of robberies. Finally gun homicides showed a slight decline, as a consequence of Bartley-Fox.

Note that it is not at all clear how the Bartley-Fox amendment achieved these effects on the major gun crimes. The amendment speaks directly to only one offense, namely carrying of an unlicensed firearm. It does not increase, decrease or otherwise alter penalties for crimes in which guns are used. Bartley-Fox certainly increases the risk of carrying an unlicensed weapon, but evidence from the process studies does not seem to indicate that the police and the courts changed in their arresting or charge processing behaviors to a great extent, especially after the initial post-implementation period had passed. If there is a deterrence effect, it is that Bartley-Fox deterred persons from carrying unlicensed weapons, a side-effect of which was to reduce the usage of guns in connection with certain crimes. Of course, there is always the possibility that the Bartley-Fox amendment was only imperfectly understood by the public as generally increasing the severity with which gun-related offenses would be treated by the police and the courts.[17]

In any event, it seems clear that the impact of such changes in the law have to be studied in considerable detail, both in their impacts on the criminal justice system and in their impacts on the commission of crimes. We see from the studies reviewed that the system may react initially differently from its long-run accommodation to the law. Crime rates may also be affected, but displacement effects and deterrent effects lead to a mixed set of outcomes. Perhaps it would be best if all assaults involved non-firearms weapons, but that is not totally obvious given that victims threatened with less deadly weapons might resist more vigorously and thus bring more harm to themselves.

IV. *On the Effectiveness of Gun Control Legislation.*—The research reviewed in this chapter leads to no strong or certain conclusions concerning the ability of gun control legislation to affect changes in the criminal justice system or in rates of crime associated with the use of guns. In large part, the ambiguous character of the evidence has as its roots a lack of basic knowledge concerning the connections between crime and gun usage, on the distribution system through which guns are circulated, and on the ways in which criminal justice systems of this country operate.

The basic defects in gun control legislation stem from a lack of understanding about how the legislation is expected to impact upon enforcing agencies and upon persons who might commit crimes. Licensing of gun dealers and regulating imports (as in the 1968 Gun Control Act) without too much thought given to how to implement the law effectively simply leads to adjustments in the gun distribution system that restore the status quo ante. Gun control legislation that reduces judicial discretion may increase the use of discretion at other points in the criminal justice system. And so on. Note that this paragraph is not an endorsement of more effective gun control legislation; it simply means that if effective legislation along these lines is desired, then some considerable thought ought to be given to what are the most important points at which legislative control ought to be applied.

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[17] Indeed, both Beha (1977) and Rossman *et al.* (1979) indicate that the major publicity campaign preceding implementation was quite misleading in claiming that weapons possession was also covered by the law.

Similarly, gauging the effectiveness of legislation also demands considerable thought in constructing the appropriate *ceteris paribus* conditions. Cross-sectional studies of "natural" variations across political jurisdictions appear to be an approach that needs to be postponed until the time when more is understood about how crime rates within jurisdictions are generated. Before- and after-studies are not as severely restricted but have problems of their own, as the efforts to estimate the impact of the Massachusetts Bartley-Fox amendment indicate.

The conclusions we come to are as follows:

> First, any effort to estimate the effects of gun control legislation needs to be based on a thorough understanding of the phenomena intended to be affected and the institutional systems involved.
>
> Second, while there is some evidence that the Massachusetts Bartley-Fox amendment achieved at least an initial impact on gun-related crime, there are considerable hints that long-range effects are not to be expected or will be considerably reduced in magnitude. In other words, there is some evidence that under some conditions, reductions in gun-related crimes can be achieved through gun control legislation.

VIII. SURVEY OF SELECT STATE FIREARM CONTROL LAWS*

PART I: INTRODUCTION

"Gun control law," at both the Federal and State levels, may be said to include all legislation which in any way promotes, restricts, or regulates the possession, use, or commercial sale of firearms. And the term "firearm" has been described to encompass a vast array of weapon types, to include pistols, revolvers, so called "Saturday Night Specials", rifles, shotguns, and machine guns, among others—a common statutory definition focusing on the expulsion of a projectile by explosive action. The compilation of State firearms laws which follows is of necessity a selective one, restricted to State legislation which is in a direct way related to present Federal controls generally and to those laws which have recently been the center of controversy.

The survey is presented in three formats. First, a chart overview of State laws is set out which is designed to allow quick reference for the purpose of determining which jurisdictions have or have not acted to implement a given control mechanism. Second, a one-page summary of each State's provisions is presented with citations included to facilitate further research. As laws in this area are the subject of frequent amendments and additions, the data provided must be recognized as being highly "perishable." An appendix is therefore provided which describes the latest State code materials examined in preparing the survey.[1] Updating may thus be accomplished by reference only to later code supplements and session laws for each State legislature.

Only the following types of statutes are included in this compilation:

1. *License to sell requirements.*—Provisions requiring those engaged in commercial dealings involving firearms to secure a license to do so.
2. *Permit to carry requirements.*—Laws which create an obligation to possess a permit in order to carry (either openly or concealed) a firearm.
3. *Permit to purchase requirements.*—Statutes which require that a permit be acquired prior to purchase of a firearm.
4. *Purchase application obligations.*—Requirements that a formal application involving significant identifying information be made out by prospective firearm purchasers.
5. *Waiting period requirements.*—Legislatively mandated time periods which must elapse between application or purchase of a

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*Kent M. Ronhovde, legislative attorney, and Gloria P. Sugars, legislative reference assistant, Congressional Research Service, Library of Congress.

[1] See note p. 228.

weapon and delivery; a waiting period law may or may not specify that law enforcement authorities must be notified prior to delivery.

6. *Age restrictions.*—Limitations on possession, sale, or delivery of specified types of weapons to individuals who have not reached designated age.

7. *Possession restrictions generally.*—Laws which proscribe possession of firearms by individuals who have a history involving (1) criminal conduct, (2) mental illness, (3) drug addiction, or (4) other debility, such as alcoholism.

8. *Additional penalties for crime with a firearm.*—Statutes which set out specific additional penalties which will be imposed when a crime is committed with a firearm (either where the weapon is actually brandished or only possessed at the time of the offense), i.e. an increase in sentence over the underlying offense or a separate offense entirely.

9. *Mandatory penalties for crime with a firearm.*—Laws which place restrictions on sentencing discretion when the offense is committed with a firearm (again, either used or merely possessed at the time), common restrictions including: minimum sentences, no parole, no suspension of sentence, no probation, and no time off for good behavior.

10. *Mandatory penalties for carrying without a permit.*—Similar efforts to mandate punishments for those who have offended State "permit to carry" requirements.

11. *Constitutional guarantees.*—State constitutional provisions which detail a "right to bear arms" akin to the Federal Constitution's Second Amendment which reads: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The decision to include or omit a given type of gun control measure is clearly an arbitrary one. Numerous varieties of measures which may have an impact on the sale, possession, or use of firearms were omitted for the sake of brevity.

Among the types of laws which are not covered here are those dealing specifically with: Ammunition; machine-guns, sawed off shotguns, and other "Dangerous Weapons"; forfeitures; search authorizations; hunting and target shooting; discharging of weapons in prohibited areas; possession in public buildings and prisons; commercial display restrictions; silencers; larceny of firearms; licensing of private detectives; negligent use of firearms; possession of firearms in vehicles; emergency powers relating to firearms; inheritance of firearms; reporting treatment of gunshot wounds; air rifles and spring guns; air piracy; presumptions flowing from possession; firearms as collateral for securing credit; defacing or altering firearm markings; possession by aliens; authority of State officers to carry firearms; and antique firearms.

It should also be noted that most States have enacted traditional offenses such as "armed robbery", "aggravated battery", "assault in the first degree", and the like, in which the use of a firearm may be an element of the offense. Such offenses were considered too numerous for inclusion in this survey. Only those laws which address the commission of offenses with firearms generally, those which provide for an additional punishment, and those establishing a mandatory penalty scheme for such crimes are included. Thus the fact that a given State is listed as not having an additional penalty or mandatory punishment provision does not mean that such a State has no crime an element of which is the possession or use of a firearm—it merely suggests that the State has not enacted a generalized provision applying to a broad range of criminal acts.

The term "mandatory" in the context of criminal sentencing is an imprecise one. In order that a sentence be considered truly mandatory it could be argued that provision must be made to exclude all procedures and mechanisms by which discretion can be exercised—both in the sentencing procedure itself and in the subsequent availability of opportunities for reduction of confinement periods. Thus, for example, a "minimum sentence" structure, often loosely referred to as a "mandatory" scheme may retain options for parole, suspension of sentence, probation, good time, and concurrent service of multiple punishments. And the tradition of preserving broad prosecutorial discretion, illustrated both by plea bargaining practices and the option simply to forego prosecution, may make it difficult to legislate a penalty that is truly mandatory even where that is desired. For the purposes of this survey, therefore, all statutes which appear to limit at least one aspect of sentencing discretion are considered a form of "mandatory sentence" and are included under that heading.

While State laws authorizing citizens to make contiguous State purchase of firearms are not summarized, these statutes have been reproduced in Part IV in light of their importance in commercial regulation.

Where laws referenced have application only to handguns, or only to rifles and shotguns, that fact is indicated parenthetically. For such purposes the term "handgun" is used to refer to concealable weapons generally—i.e., both pistols and revolvers. In some provisions the term "concealed weapon" is used in such a way as to suggest that any firearm which is in fact concealed is being described. In such instances the statutory phrase is used. It may in any case be advisable to consult the section to see whether concealability or size (e.g. barrel length) are further defined. Where no reference to the type of weapon covered is included, or the term "firearms" is utilized, all firearms are deemed to be encompassed by the statute in question.

Finally, it should be stressed that this survey is derived solely from the State codes. In addition to laws enacted by the State legislatures there are, of course, regulatory provisions to be considered at the county and municipal levels which may be crucial to full comprehension of the firearms picture in that area. The laws of New York State by themselves, for example, are of limited utility in understanding the firearm restrictions placed on a resident of New York City—a local jurisdiction with significant additional restrictions of its own. This survey is not therefore intended as a guide to firearms regulation for the individual, but is rather compiled for the purpose of providing a limited overview of some of the steps which State legislatures have taken to date to deal with the gun issue.

PART II: CHART SURVEY

State	License to sell	Permit to carry	Permit to purchase	Purchase application	Waiting period	Age restrictions	Possession restrictions, (1) Crime, (2) Mental, (3) Drug, (4) Other	Additional penalty for crime with firearm	Mandatory penalty, crime with firearm	Mandatory penalty, carrying without permit	Constitution provision right to bear arms
Alabama	Yes	Yes (handguns).	No	Yes	Yes (handguns).	Yes	(1),(3),(4) (handguns).	Yes (handguns).	No	No	Yes.
Alaska	No	No	No	No	No	Yes	(1)(handguns).	No	Yes	No	Yes.
Arizona	No	No	No	No	No	Yes	(1),(2)	No	No	No	Yes.
Arkansas	No	No	No	No	No	Yes	(1),(2)	No	No	No	Yes.
California	Yes (handguns).	Yes (handguns).	No	Yes (handguns).	Yes (handguns).	Yes	(1) firearms, (3) handguns.	Yes	Yes	No	No.
Colorado	No	do	No	No	No	No	(1),(2),(3)	No	No	No	Yes.
Connecticut	Yes (handguns)	do	No	Yes (handguns).	Yes (handguns).	Yes	(1) (handguns, delivery).	No	No	No	Yes.
Delaware	do	do	No	No	No	Yes	(1),(2),(3)	Yes	Yes	No	No.
District of Columbia.	Yes	do	Yes	Yes	Yes (handguns).	Yes	(1),(2),(3),(4)	Yes	Yes	No	Not available.
Florida	No	do	No	No	No	Yes	(1)	Yes	Yes	No	Yes.
Georgia	Yes (handguns)	do	No	No	No	Yes	(1)	No	No	Yes	Yes.
Hawaii	Yes	do	Yes (handguns).	Yes	No	Yes	(1),(3)	No	Yes	Yes	Yes.
Idaho	No	do	No	No	No	Yes	No	Yes	Yes	No	Yes.
Illinois	No	No	Yes	No	Yes	Yes	(1),(2),(3),(1)	Yes	No	No	Yes.
Indiana	Yes (handguns).	Yes (handguns).	No	Yes	Yes (handguns).	Yes	(1),(2),(3),(4) (handguns, transfer).	No	Yes	No	Yes.
Iowa	No	Yes	Yes (handguns).	Yes	No	Yes	(1)	No	Yes	No	No.
Kansas	No	No	No	No	No	Yes	(1),(3),(4)	No	Yes	No	Yes.
Kentucky	No	No	No	No	No	No	(1)(handguns).	No	No	No	Yes.
Louisiana	Yes	Yes (handguns).	Yes	Yes	No	Yes	(1)	No	No	Yes	Yes.
Maine	No	Yes	No	No	No	Yes	(1)	No	Yes	No	Yes.
Maryland	Yes (handguns).	Yes (handguns).	Yes (handguns).	Yes (handguns).	Yes (handguns).	Yes (handguns).	(1),(2),(3),(4) (handguns, purchase).	Yes (handguns).	Yes (handguns).	Yes (handguns).	No.
Massachusetts	Yes	do	do	Yes	No	Yes	(1),(2),(3),(4)	No	Yes	do	Yes.
Michigan	No	do	do	Yes (handguns).	No	Yes	(1),(2) (handguns, purchase).	Yes	Yes	No	Yes.

Minnesota	No	do.	do.	do.	Yes (handguns).	Yes (handguns).	(1),(2),(3),(4) (handguns).	No	Yes	No	No.
Mississippi	No	do.	No	Yes	No	do.	(1)(handguns).	No	Yes	Yes	Yes.
Missouri	No	No	Yes (handguns).	Yes (handguns).	No	Yes	(4)	Yes	Yes	Yes (handguns).	Yes.
Montana	No	Yes (handguns).	No	No	No	Yes	No	No	No	No	Yes.
Nebraska	No	No	No	No	No	Yes (handguns).	(1)(handguns).	Yes	No	No	No.
Nevada	No	Yes (handguns).	No	No	No	Yes	do.	Yes	Yes	Yes	No.
New Hampshire	Yes (handguns)	do.	No	No	No	Yes (handguns)	do.	Yes (handguns).	Yes (handguns).	No	No.
New Jersey	Yes	do.	Yes	Yes	Yes (handguns).	Yes	(1), (2), (3)	Yes	Yes	No	No.
New Mexico	No	No	No	No	No	Yes	No	Yes	Yes	No	Yes.
New York	Yes	Yes (handguns).	Yes (handguns).	Yes (handguns).	No	Yes	(1), (2) (firearms); (1) (handguns).	Yes	No	No	No.
North Carolina	Yes (handguns).	No	do.	do.	No	Yes (handguns).	(1)(handguns).	No	Yes	No	Yes.
North Dakota	No	Yes (handguns).	No	do.	No	Yes	(1),(2),(3),(4)(handguns).	No	Yes	No	No.
Ohio	No	No	No	No	No	Yes	(1),(2),(3),(4)	No	No	No	Yes.
Oklahoma	No	No	No	No	No	Yes (handguns).	(1),(2),(3),(4) (transfer).	Yes	Yes	No	Yes.
Oregon	Yes (handguns).	Yes (handguns).	No	Yes (handguns).	Yes (handguns).	Yes	(1)(handguns).	Yes (handguns).	Yes (handguns).	No	Yes.
Pennsylvania	do.	do.	No	do.	do.	Yes (handguns).	(1)(handguns); (1),(2),(3),(4) (handguns, delivery).	Yes	Yes	No	Yes.
Rhode Island	do.	do.	No	do.	do.	Yes	(1),(2),(3),(4)	Yes	Yes	Yes	Yes.
South Carolina	do.	do.	No	do.	No	Yes (handguns).	(1),(2),(3),(4) (handguns).	Yes	No	No	Yes.
South Dakota	No	do.	No	do.	Yes (handguns).	No	(1)	Yes	No	No	Yes.
Tennessee	Yes (handguns).	No	No	do.	do.	Yes (handguns).	(1),(2),(3),(4) (handguns, sale).	Yes	Yes	No	Yes.
Texas	No	No	No	No	No	Yes	(1)	No	No	No	Yes.
Utah	No	No	No	No	No	Yes	(1),(2),(3),(4)	Yes	Yes	No	Yes.
Vermont	No	No	No	No	No	Yes	No	Yes	No	No	Yes.
Virginia	Yes (handguns).	Yes (handguns).	Yes	No	No	Yes (handguns).	(1)(handguns).	Yes	Yes	No	Yes.
Washington	do.	do.	No	Yes (handguns).	Yes (handguns).	Yes	(1)(handguns); (1),(2),(3),(4) (handguns, delivery).	Yes	Yes	No	Yes.
West Virginia	do.	do.	No	No	No	Yes (handguns).	(1),(4) (handguns, permit to carry).	No	No	Yes	No.
Wisconsin	No	No	No	No	Yes (handguns)	do.	No	No	Yes	No	No.
Wyoming	No	Yes (handguns).	No	No	No	No	(1)	Yes	No	No	Yes.

PART III: STATE SUMMARIES

ALABAMA (Code of Alabama)

1. License to sell	Handguns (§ 13A-11-78, 79); shotguns, rifles (over .22 caliber) (§ 40-12-158).
2. Permit to carry	Handguns (§ 13A-11-73, 74, 75).
3. Permit to purchase	None.
4. Purchase application	Handguns (§ 13A-11-77).
5. Waiting period	Handguns—48 hrs. from purchase application.
6. Age restrictions	Handguns—delivery to one under 18 unlawful (§ 13A-11-76); sale to minor unlawful (§ 13A-11-57).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Handguns—no possession for: (1) crime of violence, (3) addicts, (4) drunkards (§ 13A-11-72); delivery to such persons also unlawful (§ 13A-11-76).
8. Additional penalty for crime with firearm.	Handgun only (§ 13A-11-71).
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitutional provision re right to bear arms.	Yes (art. I, sec. 26).

ALASKA (Alaska Statutes)

1. License to sell	None.
2. Permit to carry	None.
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Possession of firearm by one under 16 unlawful without parental consent (§ 11.61.220).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Concealable firearms: unlawful for convicted felon to possess; sale or transfer unlawful to one whose mental condition is impaired by drugs or alcohol as well as to convicted felons (§ 11.61.200).
8. Additional penalty for crime with firearm.	None. (Note: Certain criminal penalties are of higher degree based upon use of a firearm.)
9. Mandatory penalty—Crime with firearm.	No suspension or reduction of presumptive 6-yr sentence for commission of felony using or possessing a firearm (§ 12.55.125(c)).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 19).

ARIZONA (Arizona Revised Statutes)

1. License to sell	None.
2. Permit to carry	None. (Note: Carrying a concealed firearm is generally prohibited (§ 13-3102)).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Sale or gift of a firearm to minor without parental consent is unlawful (§ 13-3109).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful to possess for: (1) crime involving violence or use of weapon, (2) person adjudicated a danger to himself for a mental disorder (§ 13-3101 defines "prohibited possessors").

8. Additional penalty for crime with firearm.	None. (Note: Use of a firearm in a crime may be the basis for harsher sentencing (§ 13–702).
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. 2, sec. 26).

ARKANSAS (Arkansas Statutes)

1. License to sell	None.
2. Permit to carry	None.
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Sale or delivery of a firearm to a minor without parental consent is unlawful (§ 41–3109).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Possession unlawful for: (1) felony conviction, (2) adjudicated mental defective or if voluntarily committed to a mental institution (§ 41–3103); those convicted of enumerated offenses may not carry or possess handguns (except at home) (§ 41–3111).
8. Additional penalty for crime with firearm.	None. (Note: Extension of maximum sentence by 15 yrs. for employing a firearm in the course of a felony (§ 41–1004).
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. 2, sec. 5).

CALIFORNIA (West's Annotated California Codes: Penal Code)

1. License to sell	Concealable firearms (§ 12070, § 12071).
2. Permit to carry	Concealed weapons (§ 12050).
3. Permit to purchase	None.
4. Purchase application	Required for concealable firearms (§ 12076); retailers must keep register (§ 12073).
5. Waiting period	Concealable firearms—15 days from application (§ 12072).
6. Age restrictions	Minor may not possess a concealable firearm without written parental consent and accompaniment while in possession (§ 12021.5); sale of firearms to minors prohibited (§ 12551); delivery to a minor without parental consent unlawful (§ 12552).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Concealable firearms: (1) convicted felons, (3) those addicted to narcotic drugs (§ 12021); all firearms: (1) those who used a firearm in the commission of a felony (§ 12560).
8. Additional penalty for crime with firearm.	Additional sentence if armed (§ 12022); harsher additional penalty if used in the offense (§ 12022.5); harsher additional penalities prescribed if the offense is a sex offense (§ 12022.3).
9. Mandatory penalty—Crime with firearm.	Additional sentences prescribed are to run consecutive—1st offense is set at 1 yr.; 2d and subsequent offenses carry minimum additional terms of 10 and 25 yrs. (§ 12022, § 12022.5).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.

COLORADO (Colorado Revised Statutes)

1. License to sell	None.
2. Permit to carry	Carrying a concealed weapon allowed if a permit has been secured from local authorities—no State issued permit except after emergency proclamation (§ 18-12-105; § 24-20-202).
3. Permit to purchase	None.
4. Purchase application	Retail dealers must keep detailed records (§ 12-26-102).
5. Waiting period	None.
6. Age restrictions	None.
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Any firearm: (1) anyone previously convicted of a felony involving force or violence or the use of a deadly weapon within 10 yr (§ 18-12-108); (3) possession while under influence of narcotic drug; or (4) alcohol (§ 18-12-106).
8. Additional penalty for crime with firearm.	Aggravated offenses only—e.g., robbery with a firearm (§ 18-4-302).
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. II, sec. 13).

CONNECTICUT (Connecticut General Statutes Annotated)

1. License to sell	Handguns (§ 29-28).
2. Permit to carry	Handguns (issued by local authorities) (§ 29-28).
3. Permit to purchase	None.
4. Purchase application	Handguns (§ 29-33).
5. Waiting period	Handguns—2 weeks (§ 29-33).
6. Age restrictions	No delivery of handguns to those under 18 yr of age (§ 29-34).
7. Possession restrictions: (1) crime, (2) mental (3) drug, (4) other.	Handguns: (1) no delivery to one convicted of a felony (§ 29-33).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 15).

DELAWARE (Delaware Code Annotated)

1. License to sell	Handguns (§ 24-901, 902).
2. Permit to carry	Concealed weapons (§ 11-1441).
3. Permit to purchase	None.
4. Purchase application	Retailer must keep records (§ 24-904).
5. Waiting period	None.
6. Age restrictions	Selling handguns to minors unlawful (§ 24-903).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Firearms: (1) those convicted of a felony or a crime of violence; (2) those who have been committed to a mental institution; (3) those convicted for use, possession, or sale of a narcotic drug (§ 11-1448).
8. Additional penalty for crime with firearms.	Offense of possession during commission of a felony—sentence may not be concurrent with any other (§ 11-1447).

9. Mandatory penalty—Crime with firearm.	Possession of firearm during commission of a felony: (1) minimum sentence, (2) no suspension, (3) no parole during minimum sentence, (4) no probation during minimum sentence (§ 11-1447).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.

DISTRICT OF COLUMBIA (District of Columbia Code)

1. License to sell	Firearms (§ 6-1841-1846); handguns (§ 22-3209, 3210).
2. Permit to carry	All firearms must be registered (§ 6-1811); no handguns may be registered (§ 6-1812); license to carry handguns (§ 22-3206).
3. Permit to purchase	All firearms must be registered (§ 6-1811); no handguns may be registered (§ 6-1812); registration must be accomplished prior to taking possession (§ 6-1816).
4. Purchase application	All firearms must be registered (§ 6-1811); application for registration (§ 6-1813); purchase application for handguns (§ 22-3208); dealers must keep records (§ 6-1844).
5. Waiting period	Handguns—48 hrs. (§ 22-3208).
6. Age restrictions	Registration limited to those over 21 yr. of age (18 to 21 with parent signature) (§ 6-1813).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	No registration of firearms if (1) convicted of crime or under indictment for crime of violence or weapons offense, (2) acquittal by reason of insanity in last 5 yr. or admitted to mental hospital, (3) convicted in last 5 yr. of narcotics offense, (4) adjudicated a chronic alcoholic (§ 6-1813); no handguns if: (1) convicted of a felony, (3) a drug addict (§ 22-3203).
8. Additional penalty for crime with firearm.	Committing crime of violence while armed with any firearm (§ 22-3202).
9. Mandatory penalty—Crime with firearm.	Crime of violence while armed: (1) a minimum additional sentence if more than 1 crime of violence committed, (2) no parole during minimum, (3) no suspension, no parole (§ 22-3202).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Not applicable.

FLORIDA (Florida Statutes Annotated)

1. License to sell	None.
2. Permit to carry	Concealed weapons issued at discretion of counties with State mandated requirements (§ 790.06); carrying handgun or rifle without a county license is unlawful (§ 790.05).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Delivery of handgun or other firearm without parental consent to one under 18 is unlawful (§ 790.17); unsupervised use of firearms prohibited by those under 16 (§ 790.22).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Possession unlawful for: (1) convicted felons (§ 790.23).

8. Additional penalty for crime with firearm.	Use of any firearm in commission of a felony subject to additional penalty (§ 790.07).
9. Mandatory penalty—Crime with firearm.	2d offense involving use of firearm in commission of a felony—no suspension of sentence (§ 790.07); offense upgraded when a firearm used: (1) 3-yr minimum sentence, (2) no suspension, (3) no parole (§ 775.087).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 8).

GEORGIA (Georgia Code Annotated)

1. License to sell	Handgun dealers only (§ 92A–901).
2. Permit to carry	Handguns—issued by county courts with State mandated requirements (§ 26–2904); carrying concealed other than in stipulated manner is prohibited (§ 26–2901).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Selling or furnishing handgun to person under 21 yrs of age unlawful (§ 26–2905); no permit to carry handgun unless over 21 yrs of age (§ 26–2904).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Any firearm: (1) convicted felons (§ 26–2914); no license to carry handgun if: (1) felons and those under indictment; (2) mental patient within 5 yr; (3) in-patient for drug or alcohol treatment within 5 yr (§ 26–2904).
8. Additional penalty for crime with firearm.	Aggravated offenses only.
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	2d offense only—minimum term of 1 yr imprisonment (§ 26–2903).
11. Constitution provision re right to bear arms.	Yes (art. I, sec. I ch. 2–105).

HAWAII (Hawaii Revised Statutes)

1. License to sell	All firearms (§ 134–31).
2. Permit to carry	Handguns (concealed) (§ 134–9).
3. Permit to purchase	All firearms brought into the State must be registered (§ 134–2); a permit must be possessed to acquire ownership of any firearm other than a rifle or shotgun with a barrel of over 18 inches (§ 134–3).
4. Purchase application	All firearms brought into the State must be registered (§ 134–2); application for permit to acquire ownership (§ 134–3).
5. Waiting period	None.
6. Age restrictions	You must be 18 to get a permit to acquire ownership (§ 134–3); no possession of rifle or shotgun with barrel over 18 in. (§ 134–4); exception for hunting (§ 134–5).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) others.	No possession by (1) felons, fugitives, or (3) those convicted of drug offenses (§ 134–7).
8. Additional penalty for crime with firearm.	Harsher mandatory penalty only (§ 706–660.1).
9. Mandatory penalty—Crime with firearm.	Possession of firearm and threat to use it in commission of felony—mandatory term: no parole (§ 706–660.1)

10. Mandatory penalty—Carrying with permit.	Handguns—2 yr. minimum sentence; no probation (§ 134-9).
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 17).
12. Saturday night special	Unlawful to possess, or sell, or deliver "Saturday night specials" (die casting or zinc alloy with melting point of less than 800°) (§ 134-16).

IDAHO (Idaho Code)

1. License to sell	None.
2. Permit to carry	Concealed firearms (§ 18-3302).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Unlawful to sell or deliver to one under 16 yrs. of age without parental consent (§ 18-3302, 3308).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) others.	None.
8. Additional penalty for crime with firearm.	For designated offenses while carrying or using a firearm (§ 19-2520).
9. Mandatory penalty—Crime with firearm.	Additional sentence carries a 3-yr. minimum prison term—sentence to run consecutively on 2d felony offense; no parole eligibility and mandatory term may range up to 15 yr. (§ 19-2520. 2520A).
10. Mandatory penalty—Carrying with permit.	None.
11. Constitution provision re right to bear arms	Yes (art. I, sec. 11).

ILLINOIS (Illinois Annotated Statutes, Ch. 38)

1. License to sell	None.
2. Permit to carry	No acquisition or possession of a firearm without a firearm owners I.D. card (§ 83-2); no permit to carry concealed.
3. Permit to purchase	No acquisition of a firearm without a firearm owners I.D. card (§ 83-2).
4. Purchase application	Handguns—seller must keep register of all firearms sold or given away (§ 24-4).
5. Waiting period	Handguns—72 hr; long guns—24 hr (§ 24-3).
6. Age restrictions	Unlawful to possess concealable firearm if under 18 (under 21 if has been convicted of a misdemeanor) (§ 24-3.1).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful to possess if: (1) convicted of a felony within 5 yrs., (2) has been a patient in a mental hospital in last 5 yrs., (3) narcotics addict, (4) mentally retarded (§ 24-3.1); unlawful to sell to such persons (§24-3).
8. Additional penalty for crime with firearm.	Use of weapon in the commission of a forcible felony (§ 33A-2.1).
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re, right to bear arms.	Yes (art. I, sec. 22).
12. Saturday night specials	Unlawful to sell "Satuday night specials" (die casting of zinc alloy which will melt at 800°) (§ 24-3).

INDIANA (Burns Indiana Statutes Annotated)

1. License to sell	Handguns (§ 35-23-4.1-9).
2. Permit to carry	Handguns (§ 35-23.4.1-3,4,5).
3. Permit to purchase	None.
4. Purchase application	Application to transfer handguns required (§ 35-23-4.1-7).
5. Waiting period	Handguns—7 days (§ 35-23-4.1-7).
6. Age restrictions	No transfer of ownership in a handgun to one under 18 yr of age (§ 35-23-4.1-6) (exception for parent or guardian).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	No transfer of possession of a handgun to one believed: (1) to have been convicted of a crime of violence, (2) to be of unsound mind, (3) to be a drug addict, or (4) to be a habitual drunkard (§ 35-23-4.1-6) (for intoxicated persons, see also, § 35-23-5-1).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	No suspension of sentence for certain crimes committed with a firearm (§ 35-50-2-2).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 32).

IOWA (Iowa Code Annotated)

1. License to sell	None.
2. Permit to carry	Handguns and any loaded firearms (§ 724.4 to § 724.13).
3. Permit to purchase	Handguns (§ 724.15 to § 724.20).
4. Purchase application	Handguns (§ 724.17).
5. Waiting period	None.
6. Age restrictions	Delivery of rifle or shotgun to minor unlawful (with exceptions); delivery of handgun unlawful to one under 21 yr of age (with exceptions) (§ 724.22).
7. Possession restrictions: (1) Crime, (2) mental, (3) drug, (4) other.	(1) Possession of a firearm by convicted felon unlawful (§ 724.26). (Note: There are restrictions on other categories regarding eligibility for permits to carry and permits to acquire handguns (§ 724.15).)
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	5-yr. minimum sentence for conviction of forcible felony while armed (§ 902.7.)
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.

KANSAS (Kansas Statutes Annotated)

1. License to sell	None.
2. Permit to carry	Private investigators only—generally, carrying a concealed handgun is unlawful (§ 21-4201).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Unlawful to transfer firearms with barrel of less than 12 in to one under 18 yr of age (§ 21-4203); unlawful for one under 14 yr of age to carry firearm under 18 in long (§ 38-725).

7. Possession restictions: (1) crime, (2) mental, (3) drug, (4) other.	Possession of firearm unlawful by: (1) one convicted of a felony within 5 yr (with a barrel of less than 12 in), (3) a narcotics addict, (4) an habitual drunkard (§ 21–4204).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	No probation or suspension of sentence for commission of certain offenses with a firearm; the minimum sentence must be imposed (§ 21–4618).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (Bill of Rights, sec. 4).

KENTUCKY (Kentucky Revised Statutes)

1. License to sell	None.
2. Permit to carry	None—carrying concealed weapons is unlawful (§ 527.020).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	None.
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Handguns—possession unlawful by (1) convicted felons (§ 527.040).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (Bill of Rights, sec I (7)).

LOUISIANA (West's Louisiana Statutes Annotated)

1. License to sell	All persons and businesses possessing firearms must register them (§ 40–1783); wholesale dealers must pay annual license (§ 47–382); retailers license tax (§ 47–383).
2. Permit to carry	All persons possessing firearms must register them (§ 40–1783); permit for concealed weapons (§ 40–1379.1); for retail or wholesale merchants (§ 40–1379.3).
3. Permit to purchase	Approval required for all transfers of firearms (§ 40–1784).
4. Purchase application	Application required for approval to possess or transfer firearms (§ 40–1784).
5. Waiting period	None.
6. Age restrictions	Unlawful to sell to one under 18 yr. of age (§ 14–91).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful to possess a firearm if (1) convicted of specified felonies (§ 14–95.1.)
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—crime with firearm.	Minimum sentences provided for several armed offenses.
10. Mandatory penalty—Carrying without permit.	Violations of registration requirements—1 yr. minimum sentence (2d offense, 5-yr. minimum) (§ 40–1791).
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 11).

MAINE (Maine Revised Statutes Annotated)

1. License to sell	None.
2. Permit to carry	License to carry firearms (Tit. 25, § 2031).
3. Permit to purchase	None.
4. Purchase application	Dealers must keep records (Tit. 15, § 455).
5. Waiting period	None.
6. Age restrictions	Furnishing firearms to one under 16 unlawful (Tit. 17A, § 554).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful to possess if (1) convicted of felony or crime committed with use of a firearm (Tit. 15 § 393).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	Minimum term for stipulated offenses committed with a firearm; no suspension (Tit. 17A, § 1252(5)).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 16).

MARYLAND (Annotated Code of Maryland, Article 27)

1. License to sell	Handgun dealers (§ 443).)
2. Permit to carry	Handguns (§ 36E).
3. Permit to purchase	Handguns—no sales without purchase application forwarded to authorities prior to sale (§ 442).
4. Purchase application	Handguns—application to purchase or transfer a handgun required (§ 442).
5. Waiting period	Handguns—7 days (§ 442).
6. Age restrictions	Handguns—must verify age of at least 21 on purchase or transfer application (§ 442); unlawful to sell to one under 21 (§ 445).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Handguns—applicant to purchase must verify; (1) no conviction for crime of violence and not a fugitive; (2) no lengthy stay in a mental institution; (3) no addiction or habitual drug use; (4) no drunkard (§442); sales unlawful to same categories of persons (§ 445).
8. Additional penalty for crime with firearm.	Use of handgun in a felony or "crime of violence" constitutes a separate misdemeanor (§ 36B).
9. Mandatory penalty—Crime with firearm.	Use of handgun in a felony or "crime of violence" (as defined)—5-yr minimum (§ 36B).
10. Mandatory penalty—Carrying without permit.	Handguns—30-day minimum sentence for 1st offense; 2d offense 1 yr minimum; 3d offense 3 yrs; for 2d and subsequent offenses—no suspension, no probation (§ 36B).
11. Constitution provision re right to bear arms.	None.

MASSACHUSETTS (Massachusetts General Laws Annotated)

1. License to sell	All firearms (ch. 140, § 122).
2. Permit to carry	Handguns (ch. 140, § 131); must have firearm I.D. card for other firearms (ch. 140, § 129B).
3. Permit to purchase	Must have firearms I.D. card to own or possess firearms (ch. 140, § 129C); permit to purchase a handgun (ch. 140, § 131A).
4. Purchase Application	Application required for I.D. card to own or possess firearms (ch. 140, § 129B).
5. Waiting period	None.

6. Age restrictions	No rifles or shotguns or handguns may be sold to minors under 18 years of age (ch. 140, § 130).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	No firearm I.D. (required for ownership) for anyone: (1) convicted of felony in last 5 yrs, (2) at one time confied to a mental hospital, (3) drug addiction or violation of drug laws, (4) habitual drunkenness (ch. 140, § 129B).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	No suspension for crimes an element of which is being armed (ch. 279, § 1A).
10. Mandatory penalty—Carrying without permit.	Handguns—1-year minimum, no: (1) suspension, (2) probation, (3) parole, (4) good time; 2d offense—5 yrs, 3d offense—7 yrs, 4th offense—10 yrs (ch. 269, § 10).
11. Constitution provision re right to bear arms.	Yes (pt. I, art. XVII).

MICHIGAN (Michigan Compiled Laws Annotated)

1. License to sell	None.
2. Permit to carry	Handguns (§ 28.422).
3. Permit to purchase	License to purchase required for handguns (§ 28.422); inspection required on coming into possession of a handgun (§ 28.429).
4. Purchase application	Application required for license to purchase handguns (§ 28.422); retailer must keep a register of data for all firearms sales (§ 750.232).
5. Waiting period	None.
6. Age restrictions	Must be 18 yrs of age to secure license to purchase, carry, or transport (§ 28.422); (unlawful to sell firearms more than 30 in in length to one under 18 yrs of age (§ 750.223).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Handguns—no license to purchase if: (1) convicted of a felony in last 8 yrs, or (2) adjudged insane (§ 28.422); possession of firearm by persons under influence of liquor or drugs unlawful (§ 750.237).
8. Additional penalty for crime with firearm.	Additional sentence for having firearm in possession at the time of commission of a felony—must be served consecutively (§ 750.227b).
9. Mandatory penalty—Crime with firearm.	Offense of having in possession during commission of a felony: (1) no suspension, (2) fixed sentence (1st offense—2 yrs; 2d offense—5 yrs; 3d offense—10 yrs). (3) served consecutively, (4) no parole, (5) no probation (§ 750.227b).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 6).

MINNESOTA (Minnesota Statutes Annotated)

1. License to sell	None.
2. Permit to carry	Handguns (§ 624.714).
3. Permit to purchase	Handguns—transfer permit required (§ 624.7131). (Note: Permit to carry satisfies requirements.)
4. Purchase application	Application required for transfer permit (§ 624-7131).

5. Waiting period	7 days from transfer permit application (§ 624.7132).
6. Age restrictions	Handguns—unlawful to possess a handgun if under 18 yrs of age without supervision § 624.713); furnishing any firearm to one under 14 unlawful (§ 609.66).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Handguns—possession unlawful if: (1) convicted of crime of violence, (2) confinement or commitment as mentally ill, (3) conviction or addiction relating to drugs, (4) confinement or commitment for "inebriation" (§ 624.713).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	1 yr minimum (1st offense) for use or possession during an offense (2d offense—3 yrs); no probation or parole (§ 609.11).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.
12. Saturday night specials	Manufacture, assembly, and sale of "Saturday night specials" unlawful (§ 624.716).

MISSISSIPI (Mississippi Code Annotated)

1. License to sell	None.
2. Permit to carry	Unlawful to carry handguns, rifle with barrel of less than 16 in., or shotgun with barrel of less than 18 in. (§ 97-37-1); permits to carry are available for limited number of professions and purposes (§ 97-37-7).
3. Permit to purchase	Handguns and high powered rifles must be registered by individuals (§ 45-9-1); registration upon transfer (§ 45-9-17).
4. Purchase application	Handguns—application for registration registration required within 10 days of acquisition (§ 45-9-3, 4); dealers must keep records (§ 97-37-11).
5. Waiting period	None.
6. Age restrictions	Unlawful to sell or give handgun to minor (§ 97-37-13, 15).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Possession of handguns and short barreled rifles or shotguns by (1) convicted felons unlawful (§ 97-37-5).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	No "supervised earned release" for offenders who displayed a firearm (§ 47-5-171); no parole for conviction of robbery with a firearm for 10 yrs (§ 47-7-3).
10. Mandatory penalty—Carrying without permit.	2d conviction minimum sentence set (30 days—3d offense, 1 yr; if offender has previous felony conviction, 1 yr (§ 97-37-1).
11. Constitution provision re right to bear arms.	Yes (art. 3, sec. 12).

MISSOURI (Vernon's Annotated Missouri Statutes)

1. License to sell	None.
2. Permit to carry	Unlawful to carry a concealed weapon; no permit to carry provision (§ 571.115).
3. Permit to purchase	Permit authorizing acquisition required for handguns (§ 571.125).
4. Purchase application	Application required for permit to acquire handgun (§ 571.125).
5. Waiting period	None.

6. Age restrictions	Unlawful to sell or deliver firearm to a minor without parental consent (§ 571.115).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful to possess a firearm while intoxicated (§ 571.115).
8. Additional penalty for crime with firearm.	Additional penalty for commission of a felony "By, with, or through the use, assistance, or aid" of a firearm (§ 571.015).
9. Mandatory penalty—Crime with firearm.	Crime of "armed criminal action" carries a 3-yr minimum sentence; no eligibility for: (1) parole, (2) probation, (3) suspension, (4) conditional release; (2d offense—5-yr minimum, 3d offense—10-yr minimum) (§ 571.015).
10. Mandatory penalty—carrying without permit.	50-day minimum sentence for carrying a concealed weapon unlawfully (§ 571.115).
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 23).

MONTANA (Montana Code Annotated)

1. License to sell	None.
2. Permit to carry	Permits to carry handguns may be issued for a 1-yr term (§ 45-8-319).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Unlawful for one with custody to allow one under the age of 14 to carry or use loaded firearms in public unless accompanied (§ 45-8-344).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	None.
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms	Yes (art. 2, sec. 12).

NEBRASKA (Revised Statutes of Nebraska)

1. License to sell	None.
2. Permit to carry	Carrying concealed weapons unlawful—affirmative defense if employment justified a "prudent person" in carrying the firearm for defense for "person, property, or family" (§ 28-1202).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Unlawful to possess a handgun under the age of 18 (§ 28-1204).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Possession of firearm with a barrel of less than 18 in. by a convicted felon or fugitive is unlawful (§ 28-1206).
8. Additional penalty for crime with firearm.	Additional crime of "using firearms to commit a felony"—sentence to run consecutively (§ 28-1205).
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.

NEVADA (Nevada Revised Statutes)

1. License to sell	None.
2. Permit to carry	To carry concealed weapons (§ 202.350).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Unlawful for minors under 14 to possess any firearm unless under the immediate charge of an adult (§ 202.300); sale of handguns to one under 18 yrs. of age unlawful (§ 202.310)
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful for convicted felon to possess a handgun (§ 202.360).
8. Additional penalty for crime with firearm.	Additional sentence equal to that of the underlying offense for use of any firearm in commission of a crime; sentence to run consecutively (not a separate offense but a separate penalty) (§ 193.165).
9. Mandatory penalty—Crime with firearm.	Penalty for use of firearm in offense is not subject to (1) probation, (2) suspension for stipulated offenses (murder, kidnapping, sexual assault, robbery) (§ 193.165).
10. Mandatory penalty—carrying without permit.	One-year minimum penalty for second offense (§ 202.350); 1-yr minimum sentence for unlawful possession of a short-barreled rifle or shotgun (§ 202.275).
11. Constitution provision re right to bear arms.	None.

NEW HAMPSHIRE (New Hampshire Revised Statutes Annotated)

1. License to sell	Handguns (§ 159:6).
2. Permit to carry	Loaded handguns (for 2 yr) (§ 159:6).
3. Permit to purchase	Required for convicted felons to acquire handguns (§ 159:7).
4. Purchase application	Seller must keep records (§ 159:9); convicted felons must submit statement (§ 159:7).
5. Waiting period	None.
6. Age restrictions	Sale or delivery of handguns to minors unlawful (does not apply to gifts from parents or guardians) (§ 159:12).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Possession of handguns by convicted felons unlawful without a permit to purchase (§ 159:3).
8. Additional penalty for crime with firearm.	Commission of crime when armed with a handgun subject to additional penalty to be served consecutively (§ 159:2).
9. Mandatory penalty—Crime with firearm.	Armed commission of crime with a handgun—punishment may not be suspended and no parole may be granted (§ 159:2).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.

NEW JERSEY (New Jersey Statutes Annotated)

1. License to sell	Wholesalers and manufacturers of firearms must register (§ 2C:58–1) retailers of firearms must be licensed (§ 2C:58–2).
2. Permit to carry	Handguns—good for 2 yr (§ 2C:58–4).
3. Permit to purchase	Any disposition of a rifle or shotgun requires a purchaser I.D. card (§ 2C:58–3); permit required for purchase or other acquisition of a handgun (§ 2C:58–3).

4. Purchase application	Written certification required for purchaser I.D. card (§ 2C:58-3); application required for permit to purchase a handgun (§ 2C:58-3).
5. Waiting period	7 days for handguns (§ 2C:58-2).
6. Age restrictions	Must be 18 yrs of age to get firearm purchaser I.D. card or permit to purchase handgun (§ 2C:58-3); unlawful for one under 18 to possess or acquire a firearm except under supervision or in other specified circumstances (§ 2C:58-6.1).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Possession of any firearms unlawful for those: (1) convicted of specified offenses, (2) committed to mental institutions, (3) convicted under drug laws (§ 2C:39-7); no purchase legal by those (1) convicted of crime, (2) with mental disorders, (3) drug dependent, (4) with habitual alcohol problem and those with physical problems making firearm handling unsafe (§ 2C:58-3).
8. Additional penalty for crime with firearm.	Possession for unlawful purposes is a separate offense (§ 2C:39-4).
9. Mandatory penalty—Crime with firearm.	Use or possession of firearm during crime—minimum term (which depends on the length of sentence); no parole during minimum term (§ 2C:43-6, 7).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.

NEW MEXICO (New Mexico Statutes Annotated)

1. License to sell	None.
2. Permit to carry	None.
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Must be 18 to shoot a firearm or hunt unless supervised or have completed training course (§ 17-2-33).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	None.
8. Additional penalty for crime with firearm.	1 yr increase in penalty when firearm used in noncapital felony (3 yr. for 2d offense) (31-18-16).
9. Mandatory penalty—Crime with firearm.	Increased penalty for commission of noncapital felony with a firearm may not be suspended (§ 31-18-16).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. II, sec. 6).

NEW YORK (McKinney's Consolidated Laws of New York Annotated, Penal Code)

1. License to sell	All firearms (§ 400.00).
2. Permit to carry	Handguns (§ 400.00).
3. Permit to purchase	License to have and possess handguns required for purchase (§ 400.00).
4. Purchase application	Application required for license to have and possess a handgun (§ 400.00).
5. Waiting period	None.
6. Age restrictions	Unlawful to possess any firearm if under 16 yr. of age (§ 265.05).

7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful to possess a rifle or shotgun if convicted of a felony or "serious offense" (§ 265.01), or certified mentally unsuitable (§ 265.00(16)); no license to have or possess a handgun if (1) convicted of a felony (§ 400.00).
8. Additional penalty for crime with firearm.	Offense of "criminal use of a firearm" (display or possession of loaded weapon (1st and 2d degree offenses) (§ 265.08,09).
9. Mandatory penalty—Crime with firearm.	None (Note—a one year minimum sentence may be imposed (§ 70.00) for criminal possession of a weapon with intent to use it unlawfully (§ 265.03).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.

NORTH CAROLINA (General Statutes of North Carolina)

1. License to sell	Handguns (§ 105-80).
2. Permit to carry	None—carrying concealed weapons unlawful (§ 14-269).
3. Permit to purchase	Handguns (§ 14-403 and § 14-409.2).
4. Purchase application	Application for permit to purchase handguns (§ 14-404); sheriff and dealer must keep records (§ 14-405, 406).
5. Waiting period	None.
6. Age restrictions	Unlawful to sell handguns to minor (§ 14-315).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Possession or purchase by convicted felon of firearm with barrel of less than 18 in. unlawful (within 5 yrs—specified felonies) (§ 14-415.1).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	Possession or use in a robbery carries 7 yr. minimum (not a separate offense); for 2d offense, no parole, probation, or suspended sentence; sentence to run consecutive to any other; for 1st offense, no parole, suspended sentence, or probation for 1st 7 yr. (§ 14-87); 2d offense (felony) committed with a firearm (within 7 yr. of the prior felony) carries a 7-yr. minimum prison term—no suspension or probation (§ 15A-1340.5).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 30).

NORTH DAKOTA (North Dakota Century Code)

1. License to sell	Handguns—compliance with Federal and municipal licensing requirements mandated; no State licensing program (§ 62-01-13).
2. Permit to carry	Handguns (§ 62-01-06).
3. Permit to purchase	No delivery of a handgun unless the recipient is licensed to carry one or signs an affidavit that he is not prohibited from possessing a handgun (§ 62-01-09).
4. Purchase application	Transfer statement must be submitted by purchaser or recipient of a handgun with full data (§ 62-01-09).
5. Waiting period	None.

6. Age restrictions	No delivery of a handgun to one under 17 yr. of age (§62-01-11); minors under 15 not to have loaded firearms unless accompanied (§ 62-04-03); unlawful for one under 17 to possess a handgun (§ 62-01-04).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful for following to possess a handgun; (1) one convicted of specified crimes in last 10 yrs., (2) one who is emotionally unstable, (3) a drug addict, (4) an alcoholic (§ 62-01-04).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	Use of a firearm in an offense leads to imposition of a 4-yr. minimum term for serious felonies, 2 yr. for lesser felonies; these terms are to be served without benefit of parole (§ 12.1-32-02.1).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.

OHIO (Page's Ohio Revised Code Annotated)

1. License to sell	None.
2. Permit to carry	None—unlawful to carry a concealed weapon (with exceptions) (2923.12).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Unlawful to sell firearm to one under 18, handgun to one under 21, or to furnish any firearm to one under 18 (§ 2923.21).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful to possess firearms if: (1) under indictment or convicted of felony of violence or drug offense or if a fugitive from justice, (2) adjudicated a mental incompetent, (3) drug dependent, (4) an alcoholic (§ 2923.13).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 4).

OKLAHOMA (Oklahoma Statutes Annotated, Title 21)

1. License to sell	None.
2. Permit to carry	None—unlawful to carry handguns (§ 1272); unlawful to carry concealed weapons (§ 1289.8); exceptions are provided for carrying "open" all firearms (§ 1289.6).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Unlawful to sell or give handguns to a minor (§ 1273).
7. Possession resrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful for one convicted of a felony to carry a handgun on the person (§ 1283); unlawful to transfer firearm to one adjudicated mentally incompetent (§ 1289.10) or one convicted of a felony, or one under the influence of drugs or alcohol, or one who is mentally disturbed (§ 1289.12).

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8. Additional penalty for crime with firearm.	Additional offense of using a firearm to commit a felony.
9. Mandatory penalty—Crime with firearm.	2-yr. minimum for use of firearm in commission of a felony (10 yrs. for 2d offense) (§ 1287).
10. Mandatory penalty—Carrying without permit.	Convicted felon carrying handgun carries a 1-yr. minimum prison term (§ 1284).
11. Constitution provision re right to bear arms.	Yes (art. II, sec. 26).

OREGON (Oregon Revised Statutes)

1. License to sell	Concealable firearms (§ 166.430).
2. Permit to carry	Concealed firearms (§ 166.290).
3. Permit to purchase	None.
4. Purchase application	All handgun transfers are to be described with particularity in a register kept by the dealer; purchaser must sign it (§ 166.420).
5. Waiting period	5 days from purchase registration to delivery of handguns (§ 166.430).
6. Age restrictions	No concealable firearms may be transferred to one under 18 yr. of age (§ 166.470); no firearms may be given to a child under 14 yr. of age (§ 166.480).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful for one convicted of a felony to possess a concealable firearm (§ 166.270).
8. Additional penalty for crime with firearm.	Commission of felony while armed with concealable weapons subject to additional penalty to run consecutively (§ 166.230).
9. Mandatory penalty—Crime with firearm.	Additional penalty for commission of felony with a concealable firearm to be without suspension or probation (§ 166.230).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 27).

PENNSYLVANIA (Purdon's Pennsylvania Statutes Annotated, Title 18)

1. License to sell	For handguns—a rifle with a barrel of less than 15 in., and a shotgun with a barrel less than 24 in (§ 6112, 6113).
2. Permit to carry	Required for same type of weapons as license to sell (§ 6109).
3. Permit to purchase	None.
4. Purchase application	Handguns—statement required with pertinent data which must be forwarded to law enforcement officials (§ 6111).
5. Waiting period	48 hr. from time of handgun purchase application (§ 6111).
6. Age restrictions	Unlawful to deliver handguns (or rifle with a barrel of less than 15 in. or shotgun with a barrel of less than 24 in.) to one under 18 yr. of age (§ 6110).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful for one: (1) convicted of a crime of violence to possess a handgun (or rifle or shotgun of less than a stipulated barrel length) (§ 6105); unlawful to deliver such weapons to such persons as well as those (2) of unsound mind; (3) drug addicts, or (4) habitual drunkards (§ 6110).
8. Additional penalty for crime with firearm.	Additional penalty for commission of crimes of violence (stipulated) while in possession of any firearm (§§ 4416, 6103).

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9. Mandatory penalty—Crime with firearm.	Commission of crimes of violence (stipulated in possession of any firearm carries a 5-yr. minimum sentence for the additional penalty (§ 4416).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 21).

RHODE ISLAND (General Laws of Rhode Island)

1. License to sell	Handguns (§ 11–47–39).
2. Permit to carry	Handguns—to carry concealed (§ 11–47–11).
3. Permit to purchase	None—safety course required for handgun purchasers (§ 11–47–35); maintenance of registration lists specifically outlawed (§ 11–47–41).
4. Purchase application	Handguns (§ 11–47–35); dealer must keep records (§ 11–47–40).
5. Waiting period	Handguns—72 hr from time of application (§ 11–47–35).
6. Age restrictions	Possession of any firearm by one under 15 is unlawful without a special permit for minors (§ 11–47–33, 34); sale to one under 18 unlawful without parental approval (§ 11–47–30); sale of handguns to person under 21 yr of age unlawful (§ 11–47–37).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Possession of any firearm unlawful for someone—(1) convicted of a crime of violence or who is a fugitive (2-yr minimum sentence) (§ 11–47–5); (2) mentally incompetent; (3) addicted to drugs; (4) a habitual drunkard (§ 11–47–6).
8. Additional penalty for crime with firearm.	Additional sentence for crimes of violence while armed (§ 11–47–3).
9. Mandatory penalty—Crime with firearm.	Crimes of violence while armed with any firearm—2-yr minimum sentence (5 for 2d offense, 10 for subsequent offense); no suspension or probation (§ 11–47–3).
10. Mandatory penalty—Carrying without permit.	1-yr minimum sentence; no suspension or probation (§ 11–47–8).
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 22).

SOUTH CAROLINA (Code of Laws of South Carolina)

1. License to sell	Handguns (§ 23–31–130).
2. Permit to carry	Handguns (§ 23–31–120).
3. Permit to purchase	None.
4. Purchase application	Handguns (§ 23–31–140).
5. Waiting period	None.
6. Age restrictions	Possession of handguns unlawful for one under 21 yr of age (§ 16–23–30); sale to such persons unlawful as well.
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Handguns—possession by and sale to the following unlawful: (1) one convicted of a crime of violence or a fugitive; (2) a mental incompetent; (3) a drug addict, or (4) a habitual drunkard; sale or possession also unlawful regarding members of subversive organizations (§ 16–23–30).
8. Additional penalty for crime with firearm.	Additional penalty for commission of specified crimes while in possession of any firearm (§ 16–23–490); additional penalty for carrying a firearm onto the premises of a liquor store (§ 16–23–465).

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9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 20).
12. Saturday night specials	Unlawful for dealers to sell or possess a handgun with a die-cast frame or a receiver which melts at less than 800°.

SOUTH DAKOTA (South Dakota Compiled Laws)

1. License to sell	None.
2. Permit to carry	Handguns (§ 23-7-7).
3. Permit to purchase	None.
4. Purchase application	Handguns (to be forwarded to law enforcement officials) (§ 23-7-10); dealer must keep records (§ 23-7-19).
5. Waiting period	Handguns—48 hr from time of application (§ 23-7-9).
6. Age restrictions	None.
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful for one convicted of a crime of violence to possess a firearm within 15 yr of the offense (§ 22-14-15); providing a firearm to such a person also unlawful (§ 22-14-16).
8. Additional penalty for crime with firearm.	Commission of a felony when armed with any firearm is subject to additional penalty which must run consecutively to the underlying offense (§ 22-14-13).
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. VI, sec. 24).

TENNESSEE (Tennessee Code Annotated)

1. License to sell	Handguns (§ 39-4904).
2. Permit to carry	General prohibition on carrying handguns (§ 39-4901) with exceptions provided (39-4902); no permit to carry provided for.
3. Permit to purchase	None.
4. Purchase application	Handguns—certification must be filed with seller attesting that buyer is not excluded from legal purchase and purpose for which gun is to be used must be stated (§ 39-4904).
5. Waiting period	Handguns 15 days from receipt of certification by law enforcement authorities (§ 39-4904).
6. Age restrictions	Unlawful to give or sell handgun to a minor (except a hunting weapon) (§ 39-4905).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Handguns—unlawful to sell to: (1) those convicted of a crime of violence or fugitives from justice; (2) persons of unsound mind; (3) drug addicts; (4) drunkards, aliens and those convicted of illegal sale of alcohol (§ 39-4904).
8. Additional penalty for crime with firearm.	Additional penalty for employing a firearm to commit or escape from a felony: 1st offense 5 yr, 2d offense 10-yr sentence to run consecutive to underlying offense (§ 39-4914); separate offense for possession of a firearm in such situations—consecutive sentence of 2 to 5 yr (§ 39-4923).

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9. Mandatory penalty—Crime with firearm.	Additional penalty for commission of or escape from a felony may not be suspended and no parole is available (§ 39–4914); possession during commission of felony or escape carries a 2-yr minimum sentence (§ 39–4923).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes(art. I, sec. 26).

Texas (Vernon's Texas Code Annotated, Penal Code)

1. License to sell	None.
2. Permit to carry	Generally unlawful to carry handguns (§ 46.02); no permit provided for; exceptions to prohibition enumerated (§ 46.03).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Unlawful to sell or give a firearm to one under 18 without written permission from parent (§ 46.07).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful for one convicted of a felony involving an act of violence or threatened violence to possess a firearm away from his residence (§ 46.05); unlawful to sell a firearm to one who is intoxicated (§ 46.07).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	Optional postponement of probation for 60 days if a firearm was used to commit a felony or in an escape. (Code of Criminal Procedure, art. 42.12 (3F).)
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 23).

Utah (Utah Code Annotated)

1. License to sell	None.
2. Permit to carry	Local authorities authorized to issue permits to carry concealed weapons (§ 76–10–513), otherwise unlawful (§ 76–10–504).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Minors under 18 may not possess firearms without parental permission; those under 14 must be accompanied (§ 76–10–509).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful to own or possess a firearm if: (1) convicted of a crime of violence, (2) declared mentally incompetent, (3) a drug addict, (4) an alien (§ 76–10–503).
8. Additional penalty for crime with firearm.	Additional penalty to run consecutively for use of firearm (or facsimile) in the commission of a felony (§ 76–3–203).
9. Mandatory penalty—Crime with firearm.	1-yr sentence (5 yr for 2d offense) if firearm (or facsimile) was used in the commission of a felony (§ 76–3–203).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 6).

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Vermont (Vermont Statutes Annotated, Title 13)

1. License to sell	None.
2. Permit to carry	None.
3. Permit to purchase	None.
4. Purchase application	None—dealer must keep records (§ 4006).
5. Waiting period	None.
6. Age restrictions	Unlawful to furnish firearm to one under 16 yrs of age (except parents); unlawful for one under 16 to possess a handgun without parental consent (§ 4007.8).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	None.
8. Additional penalty for crime with firearm.	Additional penalty for carrying a firearm (openly or concealed) while committing a felony (§ 4005).
9. Mandatory penalty—Carrying without permit.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms	Yes. (ch. I, art. 16).
12. Saturday night specials	Possession or sale of a "Zip" gun unlawful (§ 4013).

Virginia (Code of Virginia)

1. License to sell	Handguns (§ 58–394), see also § 15.1–525).
2. Permit to carry	Concealed firearms (§ 18.2–308).
3. Permit to purchase	In high density counties (§ 15.1–525).
4. Purchase application	None.
5. Waiting period	None.
6. Age restrictions	Unlawful to deliver handguns to minors (§ 18.2–309).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful to possess a handgun if convicted of a felony involving the use of a firearm (§ 18.2–308.2).
8. Additional penalty for crime with firearm.	Use of firearm to commit specified offenses (murder, rape, robbery, burglary, or abduction) constitutes a separate offense—1-yr penalty (3 yrs for subsequent convictions (§ 18.2–53.1).
9. Mandatory penalty—Crime with firearm.	No suspension or probation of consecutive sentence for use of a firearm to commit specified offenses (§ 18.2–53.1).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms	Yes. (art. I, sec. 13).

Washington (Revised Code of Washington Annotated)

1. License to sell	Handguns (§ 9.41.100, 110).
2. Permit to carry	Handguns (§ 9. 41.070).
3. Permit to purchase	None.
4. Purchase application	Handguns (§ 9.41.090).
5. Waiting period	Handguns—72 hr. from submission of application (§ 9.41.090).
6. Age restrictions	No delivery of a handgun to one under the age of 21 (§ 9.41.089); no possession of any firearms by one under 14 yr. of age unless under immediate charge of parent or guardian (§ 9.41.240); sale or gift of handgun to one under 18 yr. of age unlawful (§ 26.28.080).

7. Possession restrictions: (1) crime, (2) mental, (3) drugs, (4) other.	Unlawful to possess handgun if: (1) convicted of a crime of violence (§ 9.41.040); unlawful to deliver to: (1) one convicted of a crime of violence; (2) one of unsound mind; (3) a drug addict; or (4) a habitual drunkard (§ 9.41.080); purchase application must certify that these categories do not apply (§ 9.41.090).
8. Additional penalty for crime with firearm.	Additional penalty for commission of felony or dangerous misdemeanor while in possession of a firearm (§ 9.41.025).
9. Mandatory penalty—Crime with firearm.	Additional penalty sentences: 1st offense—5 yr. minimum; 2d offense—7½ yr.; 3d or subsequent offense—15 yr.; these sentences may not be suspended or deferred (§ 9.41.025).
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 24).

WEST VIRGINIA (West Virginia Code)

1. License to sell	Handguns (§ 61-7-9).
2. Permit to carry	Handguns (§ 61-7-2).
3. Permit to purchase	None.
4. Purchase application	Licensed dealer must secure data on the purchaser and report it to the superintendent of the department of public safety (§ 61-7-9).
5. Waiting period	None.
6. Age restrictions	Must be over 21 yr. of age to receive permit to carry a handgun (§ 61-7-2).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	No permit to carry a handgun if: (1) convicted of a felony; or (4) addicted to intoxication (§ 61-7-2).
8. Additional penalty for crime with firearm.	None.
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	1st offense; 6 mo. minimum; 2d offense; 1 yr. (§ 61-7-1).
11. Constitution provision re right to bear arms.	None.

WISCONSIN (Wisconsin Statutes Annotated)

1. License to sell	None.
2. Permit to carry	No permit system—unlawful to carry concealed weapons (§ 941-23).
3. Permit to purchase	None.
4. Purchase application	None.
5. Waiting period	Handguns 48 hrs. must elapse between purchase and transfer (§ 175.35).
6. Age restrictions	Minor may not be armed with a handgun (§ 941.22); sale or gift to a minor of a handgun unlawful (§ 941.22).
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	None.
8. Additional penalty for crime with firearm.	Maximum terms may be increased for possession or use of firearm to commit a crime, but no additional sentence (§ 939.63).
9. Mandatory penalty—Crime with firearm.	Possession or use of a firearm to commit felony carries a 3-yr minimum term (2d offense, 5 yr) unless the sentencing court provides otherwise (§ 939.63).

10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	None.

WYOMING (Wyoming Statutes Annotated)

1. License to sell	None.
2. Permit to carry	Concealed weapons (§ 6-11-103).
3. Permit to purchase	None.
4. Purchase application	Dealers must keep a register; purchaser must sign it (§ 6-11-107, 108).
5. Waiting period	None.
6. Age restrictions	None.
7. Possession restrictions: (1) crime, (2) mental, (3) drug, (4) other.	Unlawful for one convicted of specified felonies to possess any firearm (§ 6-11-115).
8. Additional penalty for crime with firearm.	Possession of firearm while committing a felony subject to additional penalty (§ 6-11-116).
9. Mandatory penalty—Crime with firearm.	None.
10. Mandatory penalty—Carrying without permit.	None.
11. Constitution provision re right to bear arms.	Yes (art. I, sec. 24).

NOTE.—LATEST STATUTORY MATERIAL INCLUDED IN SURVEY.—1. Code of Alabama: 1980 Supplement; 2. Alaska Statutes: Title 11, 1978 Supplement; Title 12, 1980 Supplement; 3. Arizona Revised Statutes Annotated: 1980 Supplement; 4. Arkansas Statutes Annotated: 1979 Supplement; 5. California Penal Code: 1980 Supplement; 6. Colorado Revised Statutes Annotated: 1978 Replacement; 7. Connecticut General Statutes Annotated: 1980 Supplement; 8. Delaware Code Annotated: 1980 Supplement; 9. District of Columbia Code Annotated: Supplement VII–1980; 10. Florida Statutes Annotated: 1980 Supplement; 11. Georgia Code Annotated: 1980 Supplement; 12. Hawaii Revised Statutes: 1979 Supplement; 13. Idaho Code: 1980 Supplement; 14. Illinois Annotated Statutes: 1980–81 Supplement; 15. Indiana Statutes Annotated: 1980 Supplement; 16. Iowa Code Annotated: 1980–81 Supplement; 17. Kansas Statutes Annotated: 1980 Supplement; 18. Kentucky Revised Statutes Annotated: 1980 Supplement; 19. Louisiana Revised Statutes: 1980 Supplement; 20. Maine Revised Statutes Annotated: 1980–81 Supplement; 21. Annotated Code of Maryland: 1980 Supplement; 22. Massachusetts General Laws Annotated: 1981 Supplement; 23. Michigan Compiled Laws Annotated: 1981–82 Supplement: 24. Minnesota Statutes Annotated: 1981 Supplement; and 25. Mississippi Code Annotated: 1980 Supplement.

26. Missouri Annotated Statutes: 1981 Supplement; 27. Montana Code Annotated: 1979 Edition; 28. Revised Statutes of Nebraska: 1980 Supplement; 29. Nevada Revised Statutes: 1979 Edition; 30. New Hampshire Revised Statutes Annotated: 1979 Supplement; 31. New Jersey Statutes Annotated: Title 2C, 1981 Supplement; 32. New Mexico Statutes Annotated: 1979 Supplement; 33. McKinney's Consolidated Laws of New York Annotated: 1980–81 Supplement; 34. North Carolina General Statutes: 1979 Supplement; 35. North Dakota Century Code: 1979 Supplement; 36. Ohio Revised Code Annotated: 1980 Supplement; 37. Oklahoma Statutes Annotated: 1980–81 Supplement; 38. Oregon Revised Statutes: 1978 Supplement; 39. Pennsylvania Statutes Annotated: 1980 Supplement; 40. Rhode Island General Laws Annotated: 1980 Supplement; 41. Code of Laws of South Carolina: 1980 Supplement; 42. South Dakota Codified Laws Annotated: 1980 Supplement; 43. Tennessee Code Annotated 1979 Supplement; 44. Texas Code Annotated: 1980–81 Supplement; 45. Utah Code Annotated: 1979 Supplement; 46. Vermont Statutes Annotated: 1979 Supplement; 47. Code of Virginia: 1978 Supplement; 48. Washington Revised Code Annotated: 1978 Supplement; 49. West Virginia Code Annotated: 1980 Supplement; 50. Wisconsin Statutes Annotated: 1980–81 Supplement; and 51. Wyoming Statutes Annotated: 1979 Supplement.

IX. Attitudes Toward Gun Control: A Review*

INTRODUCTION

For much of the past 20 years, the degree to which government—Federal, State or local—should regulate the possession and use of firearms has been debated extensively within Congress, in State legislatures and in the media. With each attempted or successful assassination of a major public figure, many persons call for stronger legislation controlling guns. With each new set of crime statistics that report rises in the crime rate, some people call for the removal of regulations on guns so the public may protect themselves from criminals while others argue that more control over guns is necessary to prevent criminals from having access to weapons. With each new outcry for stronger gun control legislation to prevent private and public catastrophe there has been an equally strong outcry against such legislation as an unwarranted governmental intrusion upon the constitutionally guaranteed rights of citizens to bear arms.

Whatever the merits of the arguments for and against gun control legislation, public opinion polling and survey research organizations have attempted to measure the attitudes, feelings and beliefs of the American public toward this issue in a variety of ways. And, as with most complex issues, a majority of the public appears to support some of the views of the proponents of gun control and some of the views of the opponents. Both proponents and opponents can easily point to public opinion poll results that they can argue support their respective positions. As one analyst has argued, the same or similar survey results are often interpreted by proponents as supporting their position and by opponents as supporting their position.[1]

The purpose of this paper is to review the results of a number of public opinion surveys asking a variety of questions on many aspects of the gun control issue. The first section of this paper highlights some of the possible limitations of surveys of public attitudes as well as noting limitations present in this analysis. The second section reviews public opinion poll results with respect to public attitudes toward various types of restrictions on the possession and use of firearms. These include attitudes toward gun registration in general, attitudes toward handgun and long gun registration, attitudes about restrictions on carrying guns outside of one's home, attitudes toward banning handguns, the level of knowledge about gun control laws and an overview of the types of persons holding these views.

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[1] Wright, James D. Public Opinion and Gun Control: A Comparison of Results From Two Recent National Surveys. Gun Control. The Annals of the American Academy of Political and Social Science, v. 455, May 1981. pp. 24–39.

The third section deals with the percentage of households owning guns as reported in public opinion surveys and the reasons given by these gun owners for owning guns. The fourth section reviews the beliefs of the public about some possible effects of stronger gun control legislation. Such effects that have been dealt with by public opinion surveys include the possible impact on crime reduction, the prevention of assassinations and the possible abuse of citizen rights. The final section discusses the possible effects of public attitude about gun control on politics and elections. This section deals with such questions as how important is the gun control issue relative to other issues and what, according to the polls, might be the electoral consequences of a candidate running for office who favored or opposed stronger gun control legislation?

EXECUTIVE SUMMARY

Over much of the past 20 years, large majorities of the public (67–75 percent) have said they favor measures that have to do with the registration of firearms and, especially handguns. However, a system of firearms registration that involved huge costs or was arbitrarily applied by the police would not appear to have much support. Furthermore, while the evidence is still tentative and more survey results are needed, recently there may be a slight drop in support for gun registration although such support is still voiced by a majority of the public.

Less than a majority of the public say they favor the idea of banning handguns altogether (between one-third and two-fifths).

There is substantial support among the American public for mandatory prison sentences for persons convicted of using a gun to commit a crime.

Based on what little evidence is available, it would appear that the absolute level of knowledge about current gun control laws of the public is low. However, how the level of knowledge of the public about gun control laws compares to the level of knowledge of the public about laws on other subjects has not been investigated.

Proponents of gun control are more likely to be women, blacks, from urban areas, from the Northeast, Jewish, non-owners of guns, and fear walking streets after dark. Opponents of gun control measures are more likely to be males, whites, from rural areas or small towns, from the South, West or Midwest, Protestants, gun owners, and not afraid of walking streets after dark.

Almost one-half of the respondents to surveys over the past 20 years have said that a gun or guns is present in their household. Approximately 20 percent say that they own or have a handgun in their homes. And while the number of persons reporting a gun in their homes has remained relatively constant, there appears to have been a slight increase in the number of persons reporting they possess a handgun. The most frequently reported reason mentioned for having a gun is hunting. The second most frequently reported reason mentioned is self-protection. The most frequently reported reason for having a handgun is self-protection.

While the evidence is somewhat mixed, it would appear that less than a majority of the public is convinced of the effectiveness of gun

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control measures in controlling or preventing crimes. A sizable majority of the public (78–91 percent) say they do not feel that gun control measures will keep guns out of the hands of criminals or prevent assassinations of public officials (71–81 percent).

Large majorities of the public (70–89 percent) say they believe citizens have a right to bear arms. And between 37 and 51 percent of the public appear to believe that gun control measures may eventually lead to gun confiscation by the government.

Relative to other issues like inflation, unemployment, and the energy crisis, the gun control issue has not been mentioned by many persons as one of the more important issues facing the country or the local community.

A sizeable proportion of both proponents of gun registration and opponents—although not a majority—have indicated that they would vote against a Congressional candidate because of his or her stand on the gun registration issue. And while proportionally, somewhat more opponents of gun registration said they would vote against a candidate who favored gun registration, because there are many more proponents of gun registration, three times as many persons said they would vote against a candidate who opposed gun registration as said they would vote against a candidate who favored gun registration.

Both the same proportions of proponents and opponents of gun registration appear to hold their views about equally intensely, but about three times as many opponents, in one study, said they have written letters to public officials about the issue or given money to organizations involved with the issue or both as have proponents. (20–7 percent)

LIMITATIONS

Some sources of error in public opinion surveys

Survey research specialists, statisticians and sociologists have explored for many years the possible limitations and sources of error in the results of surveys and censuses.[2] While there are several ways that such limitations to the results of surveys have been categorized, for purposes of this presentation, one straight forward categorization is to distinguish among sampling errors, nonsampling errors and errors of interpretation.[3]

Sampling error

Sampling error is perhaps the most well-known type of error associated with the results of public opinion surveys. This is because

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[2] Deming, W. Edwards, On Errors in Surveys, American Sociological Review, v. 9, August 1944, pp. 359–369; Kish, Leslie, Survey Sampling, New York, N.Y., John Wiley and Sons, 1965, pp. 509–571; Cochran, William G., Sampling Techniques, 3 ed. New York, N.Y., John Wiley and Sons, 1977, pp. 359–396; Hansen, Morris H., William N. Hurwitz and William G. Madow. Sample Survey Methods and Theory, v. 1. New York, N.Y., John Wiley and Sons, 1953, pp. 59–61; Hansen, Hurwitz, and Madow, Sample Survey Methods, v. 2, pp. 280–325; and Turner, Charles F., and Elizabeth Martin, eds. Surveys of Subjective Phenomena; Summary Report. Panel on Survey Measurement of Subjective Phenomena, Committee on National Statistics, Assembly of Behavioral and Social Sciences, National Research Council. Washington, National Academy Press, 1981.

[3] For a more precise categorization of errors in surveys, see Kish, Survey Sampling, pp. 514–524. It should be noted that the use of the term "error" to describe possible limitations to survey results is fairly common usage among survey specialists. However, the term is generally not meant to imply the idea of "mistake," but rather is thought of as deviations from some "true" population value. This true population value is often described as being composed of the sample survey or census value plus any error due to the procedures used to actually take the measurement. The use of the term error in this report follows this meaning.

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many polling organizations today generally report, in some fashion, the sampling error associated with results. For example, in a recent Harris Survey release, the following description of sampling error can be found: "In a sample of this size, one can say with 95 percent certainty that the results are within plus or minus three percentage points of what they would be if the entire adult population had been polled."[4]

In general, sampling error occurs in public opinion surveys because one choses to select a sample of respondents rather than go to all persons in the population under study (i.e., a census). *All* surveys based on a sample of respondents will have some amount of sampling error associated with the results. If the sample design calls for some type of probability sampling procedure (often referred to loosely as a random sample), then the amount of sampling error associated with any specific results can generally be calculated. The magnitude of such sampling error will depend on the sample size, the sample design and the value or distribution of the results found. In most cases, a simple rule of thumb is that the larger the sample size, the smaller the sampling error.

Most of the more well-known survey research or public opinion firms generally will select samples of between 1,000 and 2,000 respondents for their surveys. For results based on samples of these sizes, sampling error will generally fall in the plus or minus 2 to 4 percent range. Of course, for results based on subgroups within these samples (e.g., women, blacks, union members, etc.), the sampling error may be considerably larger because these subgroups constitute only a portion of the total sample.

Because sampling error can be calculated from the survey results, it provides an important guide to the limitations of the findings of surveys. However, as some have suggested, because sampling error constitutes only one source of errors in surveys, the reporting of sampling errors may suggest more accuracy in the results than is actually present.[5] One study of businesses and their use of telephone services, for example, suggests that as much as 95 percent of the total error in survey results may be due to sources other than sampling errors.[6] While this study is limited to surveys of businesses rather than individuals and concerns actual behavior rather than opinions, it and similar studies suggest that it may be useful to consider reported sampling error as *the minimum amount of error* associated with any particular results.

Most of the results reviewed in this paper, according to the reports of the polling and survey research firms, are based on probability samples of the adult population of the United States of sufficient size whereby the sampling error should fall in the plus or minus 2 to 4 percent range. However, not all of the studies reviewed report sampling errors or enough about the sampling design so that such errors could be calculated. And among those studies that do report sampling errors, most report the sampling errors for response values at or near 50 percent—the point at which sampling errors are likely to be the largest. Consequently, if one wished to be statistically conservative in interpreting the results of the polls shown in this paper, one could assume that the percentages shown might vary by as much as 4 percent in either direction. This amount of error could be greater than 4 percent if the results were also affected by nonsampling errors.

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[4] Harris, Louis, 'Majority Prefers 20 persent Inflation Rates on Borrowing With a 10 percent Inflation Rate." The Harris Survey, No. 89, Nov. 5, 1981, p. 2.

[5] Roper, Burns W. The Impact of Journalism on Polling. In Cantril, Albert H., ed. Polling on the Issues; A Report from the Charles F. Kettering Foundation. Washington, Seven Locks Press. 1980, p. 16. See also, Bogart, Leo. Silent Politics: Polls and the Awareness of Public Opinion. New York, N.Y., Wiley and Sons, 1972, p. 17; and Deming, Errors, p. 366.

[6] Assael, Henry, and John Keon. Nonsampling vs. Sampling Error in Survey Research. Working Paper Series, No. 80–78, May 1981. New York, New York University, Faculty of Business Administration, 1981, pp. 2, 9.

Nonsampling errors

Results of surveys of the attitudes, as well as other types of surveys, of the public may also be subject to a variety of limitations because of the effects of nonsampling errors.[7] Some of the more common nonsampling errors that can affect sample surveys are (1) nonresponse errors, (2) errors of measurement, and (3) processing errors.

Unlike sampling errors, where the magnitude of the errors usually can be calculated, the magnitude of the impact of nonsampling errors is usually very difficult, if not impossible, to determine even with time-consuming and expensive studies. Thus, while one may suspect that the results from a public opinion survey may be biased because of nonsampling errors, the direction and magnitude of such biases are not demonstrable.

Nonresponse Errors.—Nonresponse errors may occur when a segment of a sample of potential respondents to a survey either does not respond to a specific question (item-nonresponse) or fails to respond to the survey questionnaire at all. If the portion of a sample not responding to a survey is large relative to the total potential sample *and* differs from that portion responding on the attitude being measured, the results will not accurately reflect the attitudes of the total population under study. The degree to which the results obtained through the survey deviates from the "true" attitudes of the whole population will depend on the number of persons not responding and the degree to which these people's attitudes differ from those responding. Further, because nonresponse implies that the actual sample size is less than that originally expected, nonresponse will also affect the size of the sampling error associated with any individual result. With fewer persons responding, the sampling error will increase, all other things being equal.

As a rule, most survey organizations do not report the proportion of persons who were originally included in the sample, but did not respond (e.g., refusals, not-at-homes, etc.) to the survey questionnaire. According to Kish, post-hoc techniques for overcoming the possible problems of nonresponse bias used by some firms such as substitutions for refusers or not-at-homes or the Politz Technique for weighting for time-of-day when the respondent is likely to be at home (i.e., weighting the responses of persons interviewed more if they are less likely to be home when they are actually interviewed) are generally of little help and may, under certain circumstances make matters worse.[8]

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[7] For a good listing of such errors, see Deming, Errors, pp. 359–360.

[8] Kish, Survey Sampling, pp. 558–560.

With the exception of the results reported in the studies conducted by the National Opinion Research Center (NORC, results are labelled NORCGSS in the tables), it is generally the case that the survey organizations covered in this report do not provide information on nonresponse.[9] And while a large nonresponse rate may not necessarily mean that the results are biased, it may alert the cautious reader that the results may not be representative of the whole population under study.

Errors of measurement.—Errors such as these arise as a function of the contact between the interviewer and respondent and the type of questions posed in the survey. Errors of measurement may be a function of many aspects of the interviewing situation. Among other things, biases may result because of faulty questionnaire design (including question wording, question order, question length, question threat, question difficulty, saliency of the information requested, and vagueness of the response categories). Biases may result from interviewer behavior or characteristics, or they may be produced by different methods of administration (e.g., telephone, mail, or in-person surveys). Errors may also occur because of respondents' inability to recall accurately information requested or by the respondents omitting information because of forgetfulness. In some cases, questions about attitudes may elicit a response when people do not really hold an attitude or have never given it much thought—problems of nonattitudes. And in some cases, respondents may give answers that are fabricated either because of perceived threatening questions or a desire to answer in a socially acceptable manner.[10]

Errors of measurement may have large effects upon the results of public opinion surveys. For example, small changes in question wording may change the results of a survey significantly, as may changing the ordering of questions.[11] Systematic variations in how interviewers behave during the interviewing sessions also have been found to affect the results of surveys.[12] Similarly, studies of the ability of respondents to recall information about their own past behavior suggests that such response errors may mislead analysts of survey data.[13]

Determining whether or not results of surveys are affected by errors of measurement is likely to prove a difficult task. An examination of question wording or question position on a questionnaire may prove suggestive, but tests built into the survey design are likely to prove more conclusive (e.g., asking two halves of a sample different versions of the same question or differently ordered sets of questions, randomly assigning interviewers to different versions of the questionnaire, asking questions designed to pickup discrepancies or inconsistencies in other questions, in-depth interviews with a small portion of the sample asking more detailed questions about attitudes, and, where appropriate, using independently collected information, like administrative records, to verify the correctness of responses to the questions asked).

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[9] Davis, James A., Tom W. Smith, and C. Bruce Stephenson. General Social Surveys, 1972–80: Cumulative Codebook. Chicago, National Opinion Research Center, University of Chicago, July 1980, p. 190.

[10] For a discussion of errors of measurement, see Turner and Martin, Surveys of Subjective Phenomena, esp. p. 23–33; Assael and Keon, Nonsampling; Cannell, Charles F., Lois Oksenberg, and Jean M. Converse. Experiments in Interviewing Techniques. Research Report Series, Institute for Social Research, Ann Arbor, Michigan, The University of Michigan, Survey Research Center, Institute for Social Research, 1979; Payne, Stanley L. The Art of Asking Questions. Princeton, New Jersey, Princeton University Press, 1951; Groves, Robert M., and Robert L. Kahn. Surveys by Telephone: A National Comparison with Personal Interviews. New York, Academic Press, 1979; Sudman, Seymour, and Norman M. Bradburn. Response Effects in Surveys: A Review and Synthesis. Chicago, Aldine Publishing Company, 1974; Bradburn, Norman M., and Seymour Sudman. Improving Interview Method and Questionnaire Design: Response Effects to Threatening Questions in Survey Research. San Francisco, Jossey-Bass Publishers, 1979; Converse, Philip E. Attitudes and Non-Attitudes: Continuation of a Dialogue. Ann Arbor, Michigan, University of Michigan, Survey Research Center, Nov. 1963; Pierce. John C. and Douglas D. Rose. Nonattitudes and American Public Opinion: The Examination of a Thesis. American Political Science Review, v. 68, June 1974, p. 626–666; Cochran, Techniques, esp. p. 377–396.

[11] Turner and Martin, Surveys of Subjective Phenomena, p. 26–27.

[12] Bradburn and Sudman, Improving. p. 26–63.

[13] Sudman and Bradburn, Response Effects, p. 67–92; Penick, Bettye K. Eidson, ed. Surveying Crime. Report of the Panel for the Evaluation of Crime Surveys, Committee on National Statistics. National Research Council. Washington, National Academy of Sciences, 1976. p. 21–25, 32–47.

However, even if one has the results of such tests, it still may be difficult to determine the "true" attitude of the population under study. While such research may be helpful in understanding how people interpret questions and respond to them, sometimes the conclusion drawn from such studies is that the results are simply different because the stimuli—questionnaire design, interviewers, etc.—were different.

In all of the results reviewed here, the actual question wording was provided in the reports of the surveys. In some cases, the full questionnaire was also available so that one could determine the actual order of questions and if any preceding questions might have had an influence on the question under examination. The Gallup studies, the NORC studies, the May–June DMI 1978 study, the 1975 DMI study and the 1978 Cambridge study were conducted in-person. Since the late 1970s, the Harris studies have primarily been conducted by telephone. And the studies conducted by CBS News/New York Times, ABC News/Washington Post, NBC News/Associated Press and the Los Angeles Times have all been conducted by telephone. With the exception of the questions taken from the NORC General Social Surveys, detailed information on interviewer instructions and other possible sources of variation in results are not provided.[14]

Processing errors.—These types of errors generally will occur, if they do at all, after the information has been collected from the respondents. Such errors may include keypunch mistakes, coding errors especially if the results of open-ended questions must be assigned a numeric code for subsequent statistical analysis, lost questionnaires, and errors in tabulating responses. While many such errors, like typographical errors, are likely to be random and not have much of a biasing effect on the results, some processing errors—the subjective coding of open-ended responses and errors in tabulation—may be systematic and produce biases in the reported results of the survey.

There are various techniques for minimizing the impact of processing errors on the final results of surveys and for determining the magnitude of some types of such errors. Strict editing procedures of coding, one-hundred percent verification of keypunching and other internal consistency checks may help minimize the occurrence of such errors. A careful reexamination of a sample of returns after processing is completed may give an estimate of the magnitude of some types of processing errors.

Again, except for the NORC General Social Surveys, little information is provided about processing procedures used by the various organizations.[15] Furthermore, none of the reports contained any information about estimates of the magnitude of processing errors. This could imply that no such errors occurred, that the results reported for the surveys had taken processing errors into account but no mention of this was made or that errors in processing were assumed to be negligible and ignored.

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[14] See Davis, Smith and Stephenson, General Social Surveys, pp. 191–233 and for a bibliographic listing of studies of possible errors in the NORC surveys. See pp. 347–348.

Errors of interpretation.

Errors of interpretation may be a result of (1) incorrect usage of statistical techniques, (2) biases in the presentation of the results, or (3) incorrect inferences drawn from the results. Because the process of interpretation is often based on subjective judgments, the determination of the existence or non-existence of errors of interpretation is also likely to be based on subjective judgments. Most statistics do not speak for themselves, but are given meaning by the analyst. And this is probably more true of the results of attitude or public opinion surveys—where one is dealing with the measurement of a subjective phenomena to begin with—than with surveys designed to collect demographic information like sex or race. In some cases, the results of surveys of the attitudes of the public may be open to several different, but possibly, valid interpretations. At times these differences in interpretation can be resolved by further research aimed at settling the difficulties. In other instances, differences in interpretation of the results of survey cannot be resolved because they are often derived from differences in how researchers and analysts see the world and react to it.

Perhaps because of the subjective nature of errors of interpretation, little systematic effort has been made toward examining the impact of such errors.[16] One good example of an analysis that considers the possible impact of such errors in interpretation is that performed by James Wright in comparing the results of two surveys that purport to measure attitudes on gun control. One survey was conducted by Decision Making Information, Inc., (DMI) headed by Richard Wirthlin and was commissioned by the National Rifle Association. The other survey was conducted by Cambridge Reports, Inc., headed by Patrick Caddell, and was commissioned by the Center for the Study and Prevention of Handgun Violence. Wright concludes his analysis with the following statement:

> The major difference between the two reports is not in the findings, but in what is said about or concluded from the findings: what aspects of the evidence are emphasized or deemphasized, what interpretation is given to a finding, and what implications are drawn from the findings about the need, or lack thereof, for stricter weapons controls. I thus conclude that the 'anti-survey' hypothesis is not confirmed in this comparison; the two surveys differ in the aspects of public opinion they examine and in the conclusions they try to draw, but on virtually all points where a direct comparison is possible, the evidence from each survey says essentially the same thing.[17]

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[15] Davis, Smith, and Stephenson, General Social Surveys, pp. 235–238.

[16] For example, Deming only briefly discusses such errors, see Deming, Errors is Surveys, p. 367; A more general discussion of the issue is given by Bogart. See Bogart, Leo. Silent Politics; and Roll, Charles W., and Albert H. Cantril. Polls: Their Use and Misuse in Politics. Cabin John, Maryland. Seven Locks Press, 1972. esp. pp. 117–135. For one example of a study of the possible biases in the presentation of the results, see Lipset, Seymaur Martin. The Wavering Polls. The Public Interest, No. 43, Spring, p. 70–89.

[17] Wright, Public Opinion and Gun Control, p. 38.

The two studies analyzed by Wright offered a unique opportunity for the examination of problems of interpretation because they were dealing with the same subject, many questions were at least similar, the surveys were conducted very close together, and, probably, they used similar techniques. They differed on the populations surveyed (the DMI survey interviewed only registered voters), the reputations of the two firms for the types of organizations for which they frequently work, and the sponsors of the surveys, each supporting different positions on the issue of gun control.[18]

While Wright's analysis suggests that the cautious reader of public opinion survey results should be sensitive to the possibility that the interest of a sponsor of a survey or the reputation of a survey firm may indicate possible biases in the interpretation of survey results, such biases in interpretation are not necessarily limited to the surveys of such organizations. The results of research done by academic or other non-affiliated survey firms may be equally subject to errors of interpretation. However, because of the reputations of academic or other non-affiliated survey firms, biases in interpretations of the results of surveys may be much more difficult to detect.

With the exception of the DMI surveys, the Cambridge survey, the Roper survey and the Institute of Life Insurance Surveys results reported in the tables in this study are based on the work of organizations that have independent syndicated news columns (Gallup and Harris), are directly done by various media survey staffs (CBS News/New York Times, NBC News/Associated Press, ABC News/Washington Post and the Los Angeles Times) or are conducted by survey organizations connected with academic institutions (National Opinion Research Center). According to the reports from which the results are taken, none of these surveys are sponsored by someone other than the survey organizations mentioned.

Conclusion

The purpose of this section on possible errors in surveys is not to give the reader the impression that the results of public opinion surveys are so error-prone that they are useless. Rather the purpose of this review of errors was threefold: (1) to give an idea of what some of the possible limitations to the results of surveys of public attitudes

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[18] Wright, Public Opinion and Gun Control, pp. 24–26. It is also possible, although this was not mentioned by Wright, that they differed on their goals. If one of the goals of the survey was to determine what kind of public relations campaign might work in convincing the public to side with a particular position on the gun control issue, rather than just measuring the attitudes of the public toward gun control, then asking questions that appear to be biased from the point of view of this latter goal may be appropriate for determining what might work in an ad campaign. See Payne, Art of Asking Questions, pp. 177–182. It is possible that one goal of the DMI study was to test the strength of alternative appeals that would be useful in any public relations effort. While not mentioned specifically in this study, in an earlier DMI survey conducted for the National Rifle Association on gun control that contains many of the same questions, it appears that testing various appeals was a major purpose of the study. For example, point 9 of the reports summary of conclusions reads:

"9. All told, the best argument in the majority of cases is still the head-on contention that citizens have a right to own guns. The next most effective (and because it is more graphic and more action-oriented, maybe in some cases the most effective) is the fruitlessness or 'it won't work' argument. There are three key forms tested which found very good response:

> Criminals will simply ignore the registration law. Even if the number of handguns is reduced, criminals will find a way to get them anyway. Even if it were possible to eliminate all handguns, criminals would simply switch to using rifles and shotguns instead.

See Decision Making Information. Attitudes Toward Gun Control: Overview of a National Survey of the American Electorate. October 1975. Santa Anna, Calif., Decision Making Information, 1975, p. 58.

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may be; (2) to caution against drawing broad inferences about usually complex public opinion issues; and (3) more positively, to show that a better understanding of the limitations of public opinion results may lead to a better understanding of the results themselves.

Advantages and disadvantages of this review of public attitudes toward gun control

The purpose of this report is to present the results of public attitudes about gun control and closely related issues. It is not meant to be an evaluation of the validity or reliability of the results of any survey presented here, although such points may be raised from time to time so that the results presented in the tables may become clearer. The results of surveys on attitudes about gun control and related issues are organized to show results of the same question or similar questions covering the same topic longitudinally. There are advantages and disadvantages to such a presentation.

Advantages.—As could be inferred from the review of errors in surveys, any single result found at one point in time may be subject to a variety of errors and reliance upon a single result may be more likely to lead to faulty conclusions. One advantage of examining, where possible, the results of a variety of surveys, conducted by different survey firms using various techniques, over a period of years is that one feels more secure about drawing inferences from the results. If the results are shown to remain reasonably constant or if changes in the results appear simultaneously across several surveys conducted by different organizations, then a conclusion about the stability or changeability of an attitude would be based on stronger grounds. Moreover, if the results of a single survey or several surveys conducted by the same organization differ significantly from the results shown by other firms, this may alert one to the possibilities of problems either with the anomolous results or with the results of all the other surveys. Also, if there are a wide variety of results scattered across all the possibilities, one may choose to cautiously refrain from drawing any conclusions.

By examining not only attitudes about gun control but also a variety of other related issues, one may better understand the circumstances under which the public may or may not support gun control, how strong that support may be and, under some circumstances, what the public may do about it, if anything.

Thus, the approach used in this presentation provides a certain amount of security about inferences drawn from the results as well as the possibility of expanding the understanding about how the public views gun control. Of course, there are several disadvantages or limitations in the presentation as well.

Disadvantages.—First, in all cases, only what was contained in the written reports of the results of the surveys was relied upon in this analysis. No effort was made to verify any statements or figures beyond this. And because CRS lacks the resources, as well as it being inappropriate under these circumstances, no effort was made to verify by independent field studies the findings that are found in the reports.

While results are grouped under some common headings, questions asked by the various organizations could have differed greatly with respect to the question wording and the meaning conveyed. In all cases, the exact wording of the questions as given in the reports of the various studies are included in the footnotes to the tables. While some could disagree that a specific result should be considered under a specific subject heading, the material is organized so that the primary subject of the questions appeared to be the topic heading listed in the table.

In general, the results listed in the tables is usually limited to either a set of percentages showing the proportion of respondents to the survey favoring a particular view or opposing a particular view. The main reason for this format was space limitation. However, there are two possible problems with this approach. First, by listing either the percentages favoring or opposing a position but not both, the reader may view the percentage presented as the more important. However, this is not meant to be the impression. If, for example, results of a survey indicated that 60 percent of those responding favored a position, 30 percent were opposed, 10 percent were not sure, and the 60 percent value was shown in the table, one could still argue that nearly one-third of those interviewed were opposed to the position. The general rationale for including one set of percentage rather than their opposite was to show the set of percentages that over all studies tended to be larger except where this might make it more difficult to compare results across tables (e.g., as between those favoring gun registration and those opposed to banning handguns).

Second, while it is the case that many of the questions asked about gun control and related issues provided for only dichotomous responses (i.e., favor-oppose, should-should not, yes-no), some did allow for more variety in the response categories (e.g., strongly agree, agree, disagree and strongly disagree). To conform with the responses given in the tables, the results of such questions were collapsed to two categories—a pro or con opinion position. However, when this occurred a notation to this effect will be found in the footnotes to the table.

Beyond reviewing the results as they are presented in the table, inferences drawn about what the results may mean about public opinion tend to be limited or highly caveated. This reflects the view of this analyst that other areas, not yet explored by survey researchers or only covered in a limited way, need to be examined before a clearer understanding of the attitudes of the public about gun control can be understood (e.g., intensive interviews aimed at understanding why they take the stands they do).

ATTITUDES ON GUN CONTROL

Gun control as a general political issue has many aspects including whether and what kinds of guns should be registered or controlled, what types of controls should be applied, who should do the controlling, and what penalties should be assessed against violators of such laws. Perhaps reflecting the variety of issues involved with a gun control policy, public opinion polling on gun control has taken a variety of approaches.

Restrictions on guns

Some survey organizations have asked questions about restrictions on the possession of guns or firearms without reference to the type of weapon (i.e., handgun, long-gun, rifle, shotgun). Generally, when they have asked about a restriction, they have asked about "registration" of firearms or about "permits." For example, from 1959 through 1980 the Gallup Organization and the National Opinion Research Center (NORC) in their yearly General Social Survey (GSS) have repeatedly asked about requiring a "police permit" before a gun could be purchased. Table 1 shows the results of that single question. As can be seen in Table 1, the percentage of persons in the surveys who said they favored "a law which would require a person to obtain a police permit before he or she could buy a gun" has ranged between a low of 67 percent in 1966 to a high of 79 percent in 1963 over the period 1959 to 1980. This range of 13 percentage points is likely to imply more variation than is actually present over the whole time because the higher percentage value comes from a survey conducted by Gallup in early December 1963, just a few weeks after the assassination of President John Kennedy. If one drops this higher value from the analysis, a more cautious conclusion would be that between two-thirds and three-fourths of the persons responding to this question in these surveys favored a law requiring a police permit to purchase a gun. And overall, this degree of support for such a position has been relatively constant over the full time period.[19]

TABLE 1.—FAVOR REQUIRING POLICE PERMIT TO PURCHASE GUN, 1959-80

Year	Percentage favoring	Study
1959	75	Gallup.
1963	79	Do.
1965	73	Do
1965	70	Do.
1966	67	Do.
1967	72	Do.
1971	72	Do.
1972	72	Do.
1972	70	NORCGSS (National Opinion Research Center's General Social Survey.)
1973	73	Do.
1974	75	Do.
1975	74	Do.
1976	72	Do.
1977	72	Do.
1980	69	Do.

Source: Smith, Tom W. A Compendium of Trends on General Social Survey Questions. Chicago. National Opinion Research Center, 1980, p. 62. The figure for 1980 was derived from Davis, James A. General Social Surveys, 1972–80: Cumulative Codebook. Chicago, National Opinion Research Center, University of Chicago, 1980. p. 81. The question for all studies reads, "Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?"

Table 1 presents results for a single question asked in surveys conducted by only two different research organizations during the period 1959–1980. Table 2, on the other hand, shows the responses to a variety of differently worded questions by different organizations over the period 1967–1981. The questions generally ask whether the person being interviewed favors or opposes "gun registration," "firearms registration" or "gun control." The questions have taken various forms: whether the respondents support or oppose the gun control movement; whether they favor or oppose a law giving the police the power to determine who can own a gun; whether the government should spend $4 billion to enact gun registration; or, simply whether they favor or oppose gun registration. As might be expected, the results of these surveys, when compared to the Gallup/NORC results, show greater variation in the percentages of those polled who said they would favor some restriction on the possession of guns (See Table 2). The percentage of persons giving some type of favorable response to these questions ranges from a high of 75 percent to a low of 27 percent, a 49 percentage point range. However, examining the results in groups may make it easier to understand these figures.

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[19] The interpretation that these findings are relatively constant over the full time period differs from the statistical analysis provided in the NORC trend reports. They find that the trends can best be described as "not constant, not linear." By this is meant that "significant change is occurring, but it shows a complex pattern; the trend does not follow a linear function and has no simple direction." However, the NORC analysis includes the 1963 value that could be a reaction to a specific event and, consequently, may tend to overstate the variation in the whole trend line. Unfortunately, no analysis was performed that did not include this value. See Smith, Tom W. A Compendium of Trends on the General Social Survey Questions. Chicago, National Opinion Research Center, University of Chicago, 1980. p. x–xi, 62.

First, looking at those percentages for surveys taken before November 1980, in which the question asked is simply whether the respondent favors or opposes firearms registration or gun registration (Harris Surveys 8/67, 6/68, 6/72, 10/75, 8/78, 8/79; Gallup Surveys 11/74, 6/75), the percentage range from a low of 66 percent in 1968 to a high of 73 percent in October 1975 and August 1978. This range corresponds reasonably well with that found in Table 1 for the Gallup and NORC surveys, which is based upon a similar question. What all of these questions appear to have in common, both those in Tables 1 and 2 is that they ask the very simple question of whether or not the respondents favor the registration of guns or firearms or the requirement of a permit to own or purchase a gun.

The three results from the surveys conducted by the Institute of Life Insurance are based on responses to a question asking respondents whether they support "gun control" (Institute of Life Insurance, 6/72, 6/73, 6/74). While the results are very stable, 58 to 59 percent, they are somewhat less than those percentages shown for question about "gun registration."

The percentages shown for the Decision Making Information (DMI) questions differ the most from the rest of the results. The results of the DMI surveys come from three different questions, one of which was asked in two different surveys. All of the DMI results show substantially lower support for gun registration than the results from the surveys conducted by other organizations.

For the question that asked respondents whether there are too many gun control laws, whether the present laws are about right, or whether we need more such laws, the lower percentage value (44 percent) shown in the table may reflect the ambiguity of the meaning of the middle category. While this analysis interprets the percentage of persons selecting the "present laws are about right" response as not indicating support for gun control, it is also possible to interpret such responses as indicating support for gun control—not more but what is done presently. If this is the case, then the percentage supporting gun control, either current laws or more laws, might be as high as 85 percent (41 percent responded "the present laws are about right").[20]

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[20] Decision Making Information, Attitudes 1978, p. 64.

TABLE 2.—PERCENT FAVORING RESTRICTIONS ON THE POSSESSION OF GUNS, 1967–81

Date	Percent favoring	Research organization
August 1967	66	Harris.[1]
June 1968	75	Do.[1]
June 1972	70	Do.[2]
June 1972	59	Institute of Life Insurance.[3]
June 1973	58	Do.[3]
June 1974	58	Do.[3]
November 1974	72	Gallup.[4]
June 1975	67	Do.[5]
October 1975	73	Harris.[1]
Do	27	DMI.[6]
May–June 1978	44	DMI.[7]
August 1978	73	Harris.[1]
December 1978	29	DMI.[8]
Do	37	DMI.[9]
August 1979	72	Harris.[1]
November 1980	51	Los Angeles Times.[10]
Do	60	Gallup.[11]
January 1981	58	Los Angeles Times.[12]
April 1981	54	Do.[13]

[1] The Harris question reads, "Do you favor or oppose Federal laws which would control the sale of guns, such as making all persons register all gun purchases, no matter where the purchases are made?" The results for this question were reported in the Harris Survey news release for Oct. 27, 1975; Aug. 7, 1978; and Aug. 16, 1979.

[2] The Harris question reads, "Do you favor or oppose a system of strict gun control under which every gun a person buys would have to be registered?" See Louis Harris & Associates, Inc. The Harris Survey Yearbook of Public Opinion 1972. New York, 1976. p. 255.

[3] The question reads, "Many changes have taken place in this country over the past 10 years. These changes have frequently resulted from social movements of various kinds. Some of the movements and the issues raised by them have received wide support from the public. Others have been less popular. We are interested in your opinions. For each of these movements and/or issues I mention, tell me whether you are completely for it, more for it than against it, more against it than for it, or completely against it? Gun Control?" Percents shown in table represent those responding either "completely for it" or "more for it than against it." See "Support for Various Social Movements." Current Opinion. Vol 2, September 1974. pp. 98–99.

[4] The Gallup question reads, "Suppose that on Election Day, Nov. 5, you could vote on key issues as well as candidates. Please tell me how you would vote on each of these issues. 'Registration of all firearms should be required' or 'Registration of all firearms should not be required'". See Gallup, George H. The Gallup Poll, Public Opinion 1972–77. Vol. 1. Wilmington, Del., Scholarly Resources, Inc., 1978. pp. 370–376.

[5] The Gallup question reads, "Do you favor or oppose the registration of all firearms?" The Gallup Poll news release, June 5, 1975.

[6] Decision Making Information. Attitudes Toward Gun Control; Overview of a National Survey of the American Electorate, October 1975. Santa Anna, Calif., 1975. p. 42. The question reads, "Would you favor or oppose a law giving police the power to decide who may or may not own a firearm?"

[7] Decision Making Information. Attitudes of the American Electorate Toward Gun Control 1978. Report commissioned by the National Rifle Association. Santa Anna, Calif., 1979. p. 64. The question reads, "In recent years there has been some attention paid to the laws about who can or cannot own a gun and what kinds of guns people can buy. In general, would you say there are: Already too many laws governing the possession and use of firearms, the present laws are about right, or that we need more such laws?" The question was asked on the May-June 1978 in-person survey. The percent shown in the table represents those responding "need more such laws."

[8] Ibid., p. 114. The question reads, "Would you favor or oppose a law giving police the power to decide who may or may not own a firearm?" The question was asked on the December 1978 telephone survey.

[9] Ibid., p. 114. The question reads, "As you know, about $20 billion dollars is currently spent annually by the Federal, State, and local governments on crime control for such things as police, courts, and prisons. It has been estimated that a national gun registration program would cost about $4.000.000,000 per year, or about 20 percent of all dollars now spent on crime control. Would you favor or oppose the Federal Government's spending $4,000,000,000 to enact a gun registration program?" The question was asked on the December 1978 telephone survey.

[10] The Los Angeles Times Poll question reads, "Do you approve or disapprove of gun control legislation?" Los Angeles Times Poll. The Presidential Election; Los Angeles Times Poll No. 38. Nov. 9–13, 1980. Los Angeles, 1980. Question No. 55.

[11] The Gallup question reads, "This card (respondents were handed a card listing various issues) lists various proposals being discussed in this country today. Would you tell me whether you generally favor or generally oppose each of these proposals? Federal registration of firearms." The Gallup Poll news release, Nov. 16, 1980.

[12] The Los Angeles Times Poll question reads, "How about a police permit for any kind of gun ? Would you favor or oppose that?" Los Angeles Times Poll. The Fear of Crime; Los Angeles Times Poll No. 39. Jan. 18–22, 1981. Los Angeles, 1981. Question No. 54.

[13] Los Angles Times Poll. The First 100 Days; Los Angeles Times Poll No. 43. Apr. 12–16, 1981. Los Angeles, 1981. Question No. 67. The question wording is the same as that for the January 1981 survey; see footnote 12 above.

However, one chooses to interpret the results of this question, it would appear that the question is different from most of the other questions.

Similarly, the question that asks respondents whether they "favor or oppose the Federal government spending $4 billion to enact a gun registration program" is not just asking about support for gun control or registration. Rather it asks about a condition under which one would favor or oppose a gun registration program. In the sense of understanding the limits of support for gun registration, this question may provide useful information and may point to one possible condition under which a majority of the public might not support a gun registration program. However, it is also possible that this question is measuring attitudes toward government spending rather than attitudes toward the idea of gun control.

The results of the third DMI question, asked both in 1975 and in 1978, is perhaps the most interesting. In both surveys, responses to this question showed the lowest support for gun registration of any of the other questions reviewed (27 and 29 percent respectively). On the surface, support for "a law giving the police the power to decide who may or may not own a gun" and support for "a law which would require a person to obtain a police permit before he or she could buy a gun" would seem to be an expression of the same idea because any police registration system, in essence, implies that the police determine who may or may not own a gun. Furthermore, because the results of the DMI questions are based on two surveys conducted at different times using different methods (i.e., in-person and telephone interviews), the similar findings in both surveys suggest that the question may be measuring a relatively stable attitude.

Several alternative interpretation of this discrepancy may be possible. First, if one wished to believe the DMI question better measures the idea of support for or opposition to a gun registration program, then one could interpret the results as meaning that the support for gun control or a gun registration system found in other surveys may be overstated. However, given the preponderance of evidence from other surveys, it would appear that this interpretation is unlikely to be correct.

A second alternative interpretation is that both the DMI question and the questions from other survey organizations are equally measuring attitudes toward gun control or gun registration. Such an interpretation would suggest that any conclusions about the degree to which a majority of the public favors or opposes the idea of gun registration may be premature. The attitudes of the public are more complicated than previously assumed.

A third alternative is that the DMI question is measuring the attitudes of the public toward something different from what the other questions are measuring. For example, most of the other questions ask the respondents whether they favor a gun registration system or the idea of gun registration. Such a program suggests ordered, administrative procedures that must be followed in order to acquire a gun—procedures similar to those followed to register an automobile or to obtain a drivers license. If you follow the procedures and qualify, you would be issued a permit. However, the DMI question may imply in the minds of the respondents the idea of arbitrariness on the part of the police in allowing persons to obtain or possess guns. If this is the case, the DMI question may be more a measure of the attitudes of the respondents toward "police power" than a measure of support for or opposition to the general idea of gun registration. Thus, the DMI question may be measuring attitudes about how such a gun control program would be implemented rather than whether or not one should be implemented. Without research on how the respondents interpreted the meaning of the questions asked in the surveys it is difficult to be definitive about the overall interpretation. However, based on the information that is available, it would appear likely that the DMI question is measuring an attitude other than support for or opposition to the general idea of gun registration.

A fourth set of results comes from questions asked in surveys conducted since November 1980 (L.A. Times 11/80, 1/81, 4/81 and Gallup 11/80). The results of these questions show a drop in support of approximately 10 to 20 percentage points from the other questions reviewed that ask survey respondents whether they favor or oppose gun registration. Its difficult to determine with these few cases whether or not a downward shift occurred in support for gun registration. On the one hand, the questions are worded similarly to earlier questions that showed higher support for the idea of gun registration. On the other hand, the results of the L.A. Times surveys in January and April 1980 are based on a question about requiring "a police permit for any kind of gun." This question was preceded by a question about handguns in both surveys, (See Table 3, L.A. Times 1/81 and 4/81 for the results of these questions). Thus, unlike most of the other questions that leave the term "gun" or "firearm" undefined, the implications in this set of questions tends to be one of including the registration of long-guns and shotguns, for which there is less support. Thus, while the November 1980 results from the Gallup and L.A. Times surveys suggest a drop in support for gun registration, the results of the later L.A. Times surveys are less clear. While there may be a slight drop in support for gun registration since November 1980, results of future surveys will need to be examined to see if this is a stable decline or one-time dip in the trends.

In summary, based on the results reviewed here, a substantial majority of the public appears to support the general idea of a system of gun registration, firearms registration or gun control, although this support may be qualified by how much such a program would cost and the manner of implementation. Furthermore, while the evidence is still tentative, it is possible that support for gun registration is declining slightly.[21]

Restrictions on handguns and long-guns

Questions on gun control have also distinguished between the type of gun that is to be controlled. Generally, more questions have been asked about the attitudes of the public toward handguns than rifles or shotguns. Table 3 shows the percentage of persons responding favorably to the idea of handgun registration or other restrictions on handguns. While the results shown in Table 3 do not vary as greatly as did that shown in Table 2, there is still a good deal of variation. The lowest percentage value shown is 57 percent favoring the government restricting the sale of handguns (CBS News Poll, January 1978) and favoring "stronger legislation controlling the distribution of handguns" (ABC News/Washington Post, March 1981). The largest percentage value shown is 84 percent who said they either strongly favored or somewhat favored requiring "the registration of all handguns at time of purchase or transfer" (Cambridge, April-May 1978).

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[21] Three other questions were found that touch on the issue of "gun" regulation although they could have been measuring other attitudes as well. In the July 31, 1980 Harris release, the results of a question pertaining to the Republican platform's position on gun control was reported. According to the release, 55 percent of those surveyed said they reacted either "moderately unfavorable" or "very unfavorable" to the Republican platform "calling for a weakening of gun control laws."

In the July 12, 1981 Gallup release, 91 percent of those persons surveyed indicated they favored "a 21-day waiting period before a gun can be purchased in order to give authorities time to check to see if the prospective owner has a criminal record or has been in a mental institution."

In a series of surveys conducted in September 1959, February 1965, and September 1966, by the Gallup organization in which the same question was asked about the use of guns by persons under 18 years old. The results indicated that 34, 28, and 27 percent, respectively, would forbid the use of guns completely to persons under 18 years old. Slightly over half of the respondents in all the surveys (51, 55 and 55 percent, respectively) said that such use should be strictly regulated.

TABLE 3.—PERCENT FAVORING HANDGUN REGISTRATION; 1938–81

Date	Percent favoring	Research organization
March 1938	79	Gallup.[1]
January 1940	74	Do.[2]
January 1971	66	Harris.[3]
July 1975	78	CBS.[4]
October 1975	77	Harris.[5]
December 1975	77	Do.[5]
January 1978	57	CBS.[6]
April-May, 1978	82	Cambridge.[7]
Do	84	Do.[7]
Do	74	Do.[7]
Do	74	Do.[7]
Do	72	Do.[7]
August 1978	80	Harris.[5]
July 1979	63	Roper.[8]
August 1979	78	Harris.[5]
December 1979	67	NBC.[9]
December 1980	67	Harris.[5]
January 1981	74	Los Angles Times.[10]
March 1981	57	ABC.[11]
April 1981	65	ABC.[11]
Do	72	Los Angeles Times.[12]
Do	71	NBC.[9]

[1] The Gallup question reads, "Do you think all owners of pistols and revolvers should be required to register with the Government?" See Cantril, Hadley, and Mildred Struck. Public Opinion, 1935–46. Princeton, N.J., Princeton University Press, 1951. p. 214.

[2] Ibid., p. 214. The Gallup question reads, "Would you favor or oppose a law requiring all private citizens owning pistols or guns to register with the government?"

[3] The Harris question reads, "Do you favor or oppose a system of strict gun control under which every handgun a person buys would have to be registered?" See Louis Harris and Associates, Inc. The Harris Survey Yearbook of Public Opinion 1971. New York, 1975. p. 245.

[4] The CBS News Poll question reads, "Would you favor or oppose a nationwide law requiring all handguns to be registered?" CBS News Poll, news release, July 1, 1975.

[5] The Harris question reads, "Do you favor or oppose a Federal law requiring that all handguns people own be registered with Federal authorities?" First appeared in the Harris Survey news release of Oct. 27, 1975. The question was repeated in the Dec. 29, 1975; Aug. 8, 1978; Aug. 16, 1979; and the Dec. 4, 1980, news release.

[6] The CBS News/New York Times Poll question reads, "What about handguns? Should government restirct the sale of handguns, or should adults be able to buy any gun they feel they need?" CBS News/New York Times Poll news release, Jan. 21, 1978.

[7] Cambridge Reports, Inc. An Analysis of Public Attitudes Toward Handgun Control. Prepared for the Center for the Study and Prevention of Handgun Violence, June 1978. Cambridge, Mass., 1978. p. A4. The 5 questions appearing in the table were part of a series of questions with a common "header" question. The "header" question and each question, in the order of appearance in the table, read as follows: "Here are some specific proposals that have been made for controlling handgun violence. Would you tell me whether you would strongly favor, somewhat favor, somewhat oppose, or stongly oppose each proposal with respect to civilians only. Law enforcement personnel would not be affected. 'Require prospective handgun purchasers to get a permit or license to purchase. Require the registration of all handguns at time of purchase or transfer. Require the registration of all handguns now owned. Require a license to own a handgun at all. Make the rules for a license to own a handgun stricter.' " The percents shown in the table correspond to the percentage of persons in the survey responding "strongly favor" or "somewhat favor" to each of the above proposals.

[8] The Roper Organization, Inc. Third Annual Tax Study. Vol. 1: Summary Report, July 1979. Commissioned by H & R Block. Kansas City, Mo., H & R Block, Inc., 1979. p. 55. The question reads, "So far, 28 State legislatures have passed resolutions calling for a convention to try to amend the U.S. Constitution so as to limit government spending. Many people believe that if there were a Constitutional Convention, a number of other amendments to the Constitution could be proposed at the same time. I'm going to name some of the amendments that might be proposed at such a convention and for each one I'd like you to tell me whether you would be in favor of such an amendment or opposed to it. 'An amendment to control the sale of handguns.' "

[9] The NBC News Poll question reads, "Do you favor or oppose a law that would require a person to obtain a police permit before he or she could buy a handgun?" This question appeared in the Apr. 28, 1981, NBC News Poll release. Results for December 1979 and for April 1981 were shown in the release.

[10] The Los Angeles Times Poll question reads, "Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a handgun?" Los Angeles Times Poll. The Fear of Crime. Los Angeles Times Poll No. 39. Question No. 53.

[11] The ABC News/Washington Post Poll question reads, "Do you favor or oppose stronger legislation controlling the distribution of handguns?" The results of both surveys were reported in the Apr. 1, 1981, ABC News/Washington Post Poll release.

[12] Los Angeles Times Poll. The First 100 Days; Los Angeles Times Poll No. 43. Apr. 12–16, 1981. Los Angeles, 1981. Question No. 66. See footnote 10 above for the question wording used.

Prior to December 1980, with a few exceptions, generally 70 to 80 percent of the respondents to the surveys have supported the idea of handgun registration. A comparison of these results with those in Tables 1 and 2 would seem to suggest that support for handgun registration is slightly larger than for the nonspecific gun registration, although as can be seen both the idea of a system of gun registration or handgun registration garners support from a substantial majority of those persons surveyed.

The exceptions to these figures appear in the reports of four surveys. First, as has been noted, the low support during this period appeared in the report of a CBS News/New York Times survey reported in January 1978. According to the report, 57 percent of those surveyed favored the government restricting "the sale of handguns." One possible reason for the lower results relative to most other surveys is that many respondents may have interpreted the question to mean "banning" handguns rather than registering them. Another possible reason for this lower support level relative to the other questions is that, unlike most of the other questions which imply an alternative to handgun control, the CBS question clearly states an alternative—"or should adults be able to buy any gun they feel they need?" The lack of a specifically stated alternative has been shown to affect the way people respond to questions in surveys.[22] Alternatively, the CBS results could be interpreted as showing a drop in support for handgun registration between December 1975 and January 1978, with a return to high levels of support for such a proposition by mid to late 1978. Of course, this interpretation gives a great deal of weight to the single CBS finding especially when the wording, and possibly the meaning, of the question differs from that of the other questions on handgun registration.

The other figure in the table during the period prior to December 1980 that shows the lowest support for handgun registration is that reported by the Roper organization in their survey conducted for H & R Block. In response to a question on amending the Constitution in a Constitutional convention to include a provision that would "control the sale of handguns," 63 percent said they would favor such an amendment. Again, as with the CBS question mentioned above, some respondents may have interpreted controlling the sale of handguns to mean banning handguns. Furthermore, rather than asking about a law, the question asks about a constitutional amendment. It may be that while some respondents favored the idea of handgun registration, they felt that it is more appropriate to pass legislation to this effect rather than modify the Constitution of the United States.

The other two results shown in Table 3 that show somewhat less support for handgun registration (Harris 1/71 and NBC 12/79) appear to be very like the other questions that showed higher levels of support. The NBC News/Associated Press question is a duplicate of the question asked by the Gallup Organization and NORC except that the word "handgun" replaces the word "gun." And while the results of the NBC survey closely approximates the results appearing in Table 1, it differs from the prior results relating to handgun regulation.

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[22] Payne, The Art, p. 7.

Furthermore, when NBC asked this question again in April 1981, just after the attempted assassination on President Reagan, there was only a slight increase from 67 to 71 percent. However, in January 1981, the Los Angeles Times asked a very similar question and found that 74 percent of the persons surveyed favored "a law which would require a person to obtain a police permit before he or she could buy a handgun." On the other hand, the percentage of persons giving favorable responses to the same question about "a federal law requiring that all handguns people own be registered with Federal authorities" dropped from 80 and 78 percent in August 1978 and 1979, respectively, to 67 percent in December 1980. While the evidence is unclear, it would appear that there may have been a slight drop in support for handgun registration. Of course, as with the results shown in Table 2, it would appear that even if there has been a decline in support it is still the case that over a majority of the public supports the general idea of handgun registration.

Support for similar ideas relating to the regulation of rifles and shotguns, while not as strong, still remains substantial based on the few indications available. For example, the Harris Survey reports in October 1975 and in August 1978 that 66 and 73 percent of those interviewed felt "a permit should be required by law in order for anyone to purchase a rifle."[23] In the Cambridge Reports survey conducted for the Center for the Study and Prevention of Handgun Violence in April and May 1978, 40 percent responded that it was not "possible to have effective controls on handguns without having control on long guns, such as rifles and shotguns," while 37 percent said it was possible.

Another approach taken by some survey organizations in attempting to gage the public's attitudes about handgun regulations is to ask about whether or not the current laws regulating the sale of handguns are strict enough, need to be made more strict or should be kept the same.

Table 4 shows the results for such questions taken between 1975 and April 1981. With the exception of 1975, support for increasing the strictness of laws on the sale of handguns has remained about 60 percent. Support for keeping the laws the same has been in the 25 to 30 percent range. And support for reducing the strictness of such laws has been almost non-existent.

One of the possible limitations with the results of questions such as those appearing in Table 4 is that the questions generally assume that respondents are aware of the current laws relating to handgun sales. As will be seen, this is likely to be an optimistic assumption. However, if one does not have information about the level of knowledge about current laws regulating the sale of handguns, the meaning of the results of such questions may be particularly difficult to determine. The analyst may be left asking the question 'more strict, relative to what?" or "keep which laws the same?"

The Gallup survey also included a similar question on rifles and shotguns in its October 1975 survey. According to the reported results, 48 percent of the respondents favored making laws covering the sale of rifles and shotguns "more strict," while 43 percent favored keeping them the same. At least for 1975 one might conclude that in general the public was more willing to control the sale of handguns rather than long guns.[24]

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[23] The Harris Survey news release, August 7, 1978.

TABLE 4.—ATTITUDES ABOUT STRICTNESS OF LAWS ON THE SALE OF HANDGUNS, 1975-81

	Survey organization and date (in percent)				
	Gallup 1975 [1]	Gallup, 1980 [1]	Gallup, January 1981 [1]	Gallup, April 1981 [1]	CBS, April 1981 [2]
More strict	69	59	62	65	62
Less strict	3	6	3	3	4
Keep laws same	24	29	24	30	31
No opinion	4	6	11	2	3

[1] The Gallup question reads, "In general, do you feel that the laws covering the sale of handguns should be made more strict, less strict, or kept as they are now?" The results are reported in the Gallup Poll news releases of Oct. 30, 1975; Feb. 3, 1980; Jan. 22, 1981; and Apr. 20, 1981.

[2] The CBS News/New York Times Poll question is the same as the Gallup questions. The results are reported in the Apr. 29, 1981. CBS News/New York Times Poll release.

Penalties on violators of gun control laws

Another approach that survey organizations have taken with respect to measuring the attitudes of the public toward gun control has been to examine what penalties should be assessed against people who carry handguns or guns outside the home or who use them in committing crimes.

Table 5 summarizes the results of questions asked respondents about their support for or opposition to a law requiring a license to carry a gun outside one's home. Even though there are only four examples of such questions between 1975 and 1981, what evidence there is seems to indicate strong approval for a law requiring a license to carry a gun or handgun outside of one's home with support for such a proposition ranging between 75 and 81 percent.

On this same theme, respondents in these surveys were then asked if they approved or disapproved a mandatory prison sentence for those caught violating a law that required a permit to carry a gun outside one's home. Table 6 shows the results for these questions. Among the total sample (that is for those approving or disapproving to such a law in the first place) about half supported the idea of such a mandatory prison sentence. Among those who approved of requiring a license to carry a gun outside one's home about two-thirds approved of such a mandatory prison sentence (results are shown in the parentheses in the table). The slight increase in support for the two propositions appearing in Tables 5 and 6 for the Gallup April 1981 results may be due to a reaction toward the attempted assassination of President Reagan.

Support for a mandatory prison sentence for persons using a gun to commit a crime has also been high. With the exception of the earlier 1969 Gallup results, more recent results shown in Table 7 would strongly suggest that there is overwhelming support, reaching 93 percent of the respondents in the two DMI surveys conducted in 1978.

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[24] Gallup Opinion Index, Princeton, New Jersey, No. 129, Apr. 1976, p. 25.

TABLE 5.—PERCENT FAVORING A LAW REQUIRING PERMIT TO CARRY A HANDGUN OUTSIDE OF HOME

Date	Percent favoring	Research organization
October 1975	77	Gallup.[1]
April-May 1978	79	Cambridge.[2]
February 1980	75	Gallup.[1]
April 1981	81	Do.[1]

[1] The Gallup question reads, "In Massachusetts a law requires that a person who carries a gun outside his home must have a license to do so. Would you approve or disapprove of having such a law in your State?" The results of this question were reported in the Oct. 30, 1975; Feb. 3, 1980; and Apr. 20, 1981, Gallup Poll news releases. Percents shown in the table represent those persons responding "approve."

[2] Cambridge Reports, Inc. An Analysis of Public Attitudes Toward Handgun Control. Prepared for the Center for the Study and Prevention of Handgun Violence, June 1978. Cambridge, Mass., 1978. p. A4. The question reads, "Here are some specific proposals that have been made for controlling handgun violence. Would you tell me whether you would strongly favor, somewhat favor, somewhat oppose, or strongly oppose each proposal with respect to civilians only. Law enforcement personnel would not be affected? 'Require a license to carry a handgun outside of one's home or business.' " The percent shown in the table represents those persons responding either "strongly favor" or "somewhat favor" to the question.

TABLE 6.—PERCENT FAVORING MANDATORY PRISON SENTENCE FOR ANYONE CARRYING HANDGUN OUTSIDE OF HOME

Date	Percent favoring	Research organization
October 1975	53 (69)	Gallup.[1]
April-May 1978	55	Cambridge.[2]
February 1980	50 (67)	Gallup.[1]
April 1981	62 (77)	Do.[1]

[1] The Gallup question reads, "[Asked of those who approve of law requiring a permit to carry handgun outside of home] Under the Massachusetts law, anyone who is convicted of carrying a gun outside his home is sentenced to a mandatory year in jail. Would you approve or disapprove of this?" Percents shown in the table represent those persons responding "approve." Percentages shown in parentheses are percentages of person who approve of a law requiring a permit to carry a gun outside of home who also approve of a mandatory 1-yr prison term. Percentages not in parentheses are for the total sample, both approving and disapproving of a law requiring such a permit, who approve of mandatory prison term.

[2] Cambridge Reports, Inc. An Analysis of Public Attitudes Toward Handgun Control. Prepared for the Center for the Study and Prevention of Handgun Violence, June 1978. Cambridge, Mass., 1978. p. A4–A5. The question reads, "Here are some specific proposals that have been made for controlling handgun violence. Would you tell me whether you would strongly favor, somewhat favor, somewhat oppose, or strongly oppose each proposal with respect to civilians only. Law enforcement personnel would not be affected? 'Require mandatory prison sentences for all persons carrying a handgun outside of their house or place of business without a license to do so.' " The percent shown in the table represents those persons who responded "strongly favor" or "somewhat favor" to the question.

TABLE 7.—PERCENT FAVORING MANDATORY PRISON SENTENCES FOR PERSONS USING A GUN IN A CRIME

Date	Percent favoring	Research organization
January 1969	58	Gallup.[1]
July 1975	88	CBS.[2]
April-May 1978	83	Cambridge.[3]
May-June 1978	93	DMI.[4]
December 1978	93	DMI.[4]

[1] Gallup, George H. The Gallup Poll; Public Opinion, 1935–71. Vol. 3. New York, Random House, 1972. p. 2182. The question reads, "It has been suggested that anyone who commits a crime with a gun be given double the regular sentence. Does this sound like a good idea to you, or a poor idea?" The percent shown in the table represents those responding "good idea."

[2] CBS New Poll release, July 1, 1975. The question reads, "Would you favor or oppose mandatory prison sentences for anyone using a gun to commit a crime?"

[3] Cambridge Reports, Inc. An Analysis of Public Attitudes Toward Handgun Control. Prepared for the Center for the Study and Prevention of Handgun Violence. June 1978. Cambridge, Mass., 1978. p. A4–A5. The question reads, "Here are some specific proposals that have been made for controlling handgun violence. Would you tell me whether you would favor, somewhat favor, somewhat oppose, or strongly oppose each proposal with respect to civilians only. Law enforcement personnel would not be affected. 'Require mandatory prison sentences for all persons using a gun in a crime.'" The percent shown in the table represent those persons responding either "strongly favor" or "somewhat favor."

[4] Decision Making Information. Attitudes of the American Electorate Toward Gun Control 1978. Report Commissioned by the National Rifle Association. Santa Anna, Calif., 1979. p. 66–67, 115. The question reads, "I would like to read you some statements that others have made. For each, would you please tell me to what extent you agree or disagree with it—that is, whether you agree strongly, just agree, just disagree, or disagree strongly. 'Anyone having (using) a gun while committing a violent crime should receive a severe and mandatory prison sentence.' " Percents shown in the table represent those persons responding "agree strongly" or "just agree." The question asked in the May-June survey used the phrase "Anyone having a gun . . ." and the question asked in the December survey used the phrase "Anyone using a gun. . . ."

Banning handguns

Apart from examining in a variety of ways the attitudes of the public toward the regulation of the possession of guns, survey organizations have also asked a variety of questions about the attitudes of the public toward the banning of guns. Table 8 shows the results of these surveys between 1959 and 1981. As with Tables 2 and 3, because of the variety of questions asked, the range of variation in the results in support of laws banning the possession of handguns is rather large, ranging from 70 percent favoring the ban on "the manufacture and sale of small, cheap, low quality handguns" to 26 percent favoring the "use of public funds to buy back and destroy existing handguns on a mandatory basis." In general though, support for the banning of handguns has, unlike that for registration, been approximately between one-third and two-fifths of those interviewed. Thus, while there is support for such a proposition, it does not appear to be as wide as that for gun or handgun registration. Furthermore, where we have the same question asked at different points in time, the results appear to be rather constant. For example, the Gallup question that asks whether respondents feel "there should or should not be a law which would forbid the possession of this type of gun except by the police and other authorized persons" garners 41 percent support in 1975 and between 38 and 41 percent support in 1981. The exception to this constancy is the drop in support, from 51 to 43 percent for "a ban on the sale of all handguns with the exception of those that are authorized for law enforcement" shown in the CBS News/New York Times surveys in 1975 and in 1981."

TABLE 8.—PERCENT FAVORING THE BANNING OF HANDGUNS

Date	Percent favoring	Research organizaton
September 1959	59	Gallup.[1]
June 1975	41	Do.[2]
July 1975	51	CBS.[3]
December 1975	37	Harris.[4]
April-May 1978	48	Cambridge.[5]
Do	70	Do.[5]
Do	32	Do.[5]
Do	33	Do.[5]
Do	26	Do.[5]
Do	31	Do.[6]
January 1981	38	Gallup.[2]
April 1981	39	Do.[2]
Do	43	CBS..[3]
July 1981	41	Gallup.[2]

[1] The Gallup question reads, "Should all handguns be outlawed except for police use?" Gallup, George H. The Gallup Poll; Public Opinion 1935–71. Vol. 3. New York, Random House, 1972. p. 1626. Percentage shown in the table corresponds to the number of persons responding "Yes."

[2] The Gallup question reads, "Here is a question about pistols and revolvers. Do you think there should or should not be a law which would forbid the possession of this type of gun except by the police and other authorized persons?" Results for this question appeared in the June 5, 1975; Jan. 22, 1981; Apr. 20, 1981; and July 12, 1981, Gallup Poll news releases. Percents shown represent those persons responding "Should."

[3] The CBS News Poll question reads as follows: "Would you favor or oppose a ban on the sale of all hand guns with the exception of those that are authorized for law enforecment?" Results for this question appeared in the July 1, 1975, CBS News Poll release and the Apr. 29, 1981, CBS News/New York Times Poll release.

4 The Harris question reads, "Would you favor or oppose a Federal law that banned the ownership of all handguns by private cititizens?" The Harris Survey news release, Dec. 29, 1975.

[5] Cambridge Reports, Inc. Public Attitudes Toward Handgun Control. Prepared for the Center for the Study and Prevention of Handgun Violence. Cambridge, Mass., June 1978. p. A4–A5. The 5 questions appearing in the table were part of a series of questions with a common "header" question. The "header" question and each question, in the order of appearance in the table, reads as follows: "Here are some specific proposals that have been made for controlling handgun violence. Would you tell me whether you would strongly favor, somewhat favor, somewhat oppose or strongly oppose each proposal with respect to civilians. Law enforcement personnel would not be affected. 'Ban the future manufacture and sale of non-sporting type handguns. Ban the future manufacture and sale of small, cheap, low quality handguns. Ban the future manufacture and sale of all handguns. Use public funds to buy back and destroy existing handguns on a voluntary basis. Use public funds to buy back and destroy existing handguns on a mandatory basis.'" Percents shown in the table correspond to those persons responding "strongly favor" or "somewhat favor" to each question.

[6] Ibid., p. A6. The question reads, "Please look at this card. On it are the phrases 'favor banning all private ownership of handguns' and 'oppose banning all private ownership of handguns,' separated by 7 blank spaces. I would like you to place yourself on the blank which best represents your position between the 2 opinions." The 4th blank from either end was the "neutral" or "don't know" responses. Percent shown in table represents those persons who placed them selves in the 3 spaces nearest to the phrase "favor banning all private ownership of handguns."

Knowledge of gun control laws

Information about the amount of knowledge the public possesses with respect to gun control laws is limited. In the surveys reviewed, only one study was found that asked questions designed to measure knowledge about gun control laws. This is unfortunate because a lack of information about how much the public knows about present gun control laws may make it difficult to interpret the findings of public opinion questions with respect to what and how laws should be changed. For example, if the public is unaware of what laws currently exist, then positive support for gun control legislation could mean satisfaction with the current laws, a desire for more laws or stricter administration or both. Thus, information on the knowledge levels of the public with respect to the current laws relating to gun control may be important for understanding other findings of surveys.

The only study found that contained results from a survey on the knowledge levels of the public with respect to current gun control laws was the October 1975 DMI survey of registered voters.[25] The question asked of the respondents was about their knowledge of *Federal* laws regulating the purchase of guns. No survey results could be found relating to knowledge of State laws.

According to the DMI study, 36 percent of the respondents correctly answered whether or not a person could buy "a gun by mail order from another state," 28 percent correctly answered whether or not a person could "drive across a state line and buy a handgun," 49 percent correctly answered whether or not a convicted felon could "go into a gun shop and buy a gun," 57 percent correctly answered whether or not a person under 21 could "go into a gun shop and buy a handgun," and 86 percent correctly answered whether or not Federal law required that a firearms dealer must "keep records on each gun se sells and the person to whom he sells it." Overall, 11 percent of the respondents gave five correct answers, 18 percent four correct answers, 21 percent gave three correct answers, 23 percent gave two correct answers, 22 percent gave one correct answer and 6 percent were unable to give any correct answer.

Depending on how one defines "informed," the results of the DMI survey could be interpreted in several ways. For example, in the summary of major findings listed at the beginning of the report, the following statement about the public's knowledge about gun control is made:

> Public knowledge of existing federal firearms laws is exceedingly poor. Asked five basic questions about buying guns (by mail-order, in another state, etc.), 71 percent could not answer more than three questions correctly. More than one-fourth (28 percent) could answer none, or only one, question correctly.[26]

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[25] Decision Making Information. Attitudes Toward Gun Control: Overview of a National Survey of the American Electorate. Santa Ana, California, Decision Making Information, Oct. 1975, p. 22–25. The question reads as follows:

"I'm going to ask you a series of questions about buying a gun. Tell me in each case whether you think Federal law, as it stands today, prohibits or does not prohibit the gun purchase I describe.

a. Under present law, can a person buy a gun by mail order from another State?

b. Under present law, can a person drive across a State line and buy a handgun?

c. A person was convicted of a robbery some years ago. Under present law, can he go into a gun shop and buy a gun?

d. Under present law, can a person under 21 go into a gun shop and buy a handgun?

e. Under the present law, must a firearms dealer keep records on each gun he sells and the person to whom he sells it?"

[26] Ibid., p. 2.

It could also be stated, based on the results of the study, that 50 percent of the respondents answered three or more of the questions correctly. Whether one judges these results to indicate that the public's knowledge about gun control laws is "exceedingly poor," is very high or is adequate will depend on one's expectations about what the level of knowledge should be and the uses for which the results of survey questions like this are to be made. While in an absolute sense the level of knowledge about gun control laws may be low, comparisons of survey results relating to knowledge about laws on other issues might indicate that the public does not fare too badly on gun control laws. Of course, with results from only a single survey, any conclusions drawn about knowledge levels of the public probably should be tentative.

Overview of the types of persons holding views on gun control legislation

As might be expected, the comparison of results across different subgroups of the population of surveys conducted by different survey organizations at different points in time asking different questions is even more problematic than examining similar results for the total population. Consequently, this overview summarizes the demographic and attitudinal analysis of Tom Smith of the results of the Gallup and NORC organization's surveys that asked the same question between 1959–1977 (See Table 1).[27]

However, even though the overview is limited, an examination, where possible, of the types of persons favoring and opposing gun control legislation reported in other studies where the questions used were similar to that asked by Gallup and NORC generally was in line with the results reported by Smith. And, while some group may be more supportive of gun control than another, it should be noted that in no cases did less than 50 percent favor gun registration.

According to Smith's analysis, "women consistently have been less opposed to the requiring of a police permit for gun possession than men." He found "no relation between age and gun control over the period," and the "relationship between race and gun control varies considerably over time" but that in general "blacks tend to be less opposed than whites to gun control." His analysis also shows a "strong relationship between community type and the regulation of firearms. As one moves from the countryside through small towns, and on to the metropolitan centers, opposition to gun control steadily falls." Also, region has a strong relationship to gun control.[28]

Smith found that both education level of respondents and income levels "showed no relationship to attitudes on gun control." "Protestants and those without a religious affiliation have been 12.5 percentage points more opposed to gun control than Catholics and 23.7 percentage points more opposed than Jews." [29]

According to Smith's analysis gun ownership also showed a strong relationship to attitudes on gun control. "Gun owners were more hostile than non-owners to the idea of requiring police permits for guns."

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[27] Smith, Tom W. The 75 Percent Solution: An Analysis of the Structure of Attitudes on Gun Control, 1959–1977. The Journal of Criminal Law and Criminology, v. 71, Fall 1980, p. 300–316.

[28] Ibid., p. 302–303.

[29] Ibid., p. 304.

Thus, between 43 and 31 percent of the gun owners opposed requiring such permits while between 12 and 19 percent of the non-owners opposed the permits.[30]

Among persons who held different views on crime and criminal punishment, Smith's analysis indicates that persons who were *not* "afraid to walk alone at night" were consistently more opposed to requiring police permits than were persons who were afraid to walk alone at night. However, no relationship is found "between opposition to gun control and either support for capital punishment or tough courts." [31]

Smith summarizes his analysis in the following way:

> The preceding analyses of the socio-demographic and crime/punishment structure of attitudes toward gun control suggest that such attitudes are influenced by 1) gender (since it is sex-specific culture) and exposure to a gun culture, 2) current residence, and 3) gun ownership and fear of crime.
>
> Traditionally, residents of rural and frontier areas have been heavy users of guns for recreational and protective purposes. The ownership and use of guns was a typical part of the socialization and behavioral patterns of males. Residence in rural localities and regions provides continuing exposure to this traditional gun culture, which currently centers around hunting, and therefore gun ownership is prevalent among groups partaking in this culture and living in areas where it still flourishes. Fear is likewise related to localities and regions of residence, since crime is highest in urban centers, and of gender.[32]

Smith also notes that "opposition to gun control varies according to the severity of the control proposed and the type of weapon specified." [33]

Then, to summarize, persons who are more opposed to gun control tend to be males, whites, from rural areas or small towns, in the South, West or Midwest, Protestants, gun-owners and not afraid to walk the streets after dark. Persons less opposed to requiring police permits to purchase a gun tend to be women, blacks, from urban areas, in the Northeast, Jewish, non-owners of guns and more afraid to walk the streets after dark.

Summary of results on attitudes about gun control

To summarize, based on the surveys reviewed, over the last twenty years a substantial majority of the public (between 66 and 75 percent) appears to support the idea of some form of registration of guns. There appears to be slightly more support for handgun registration among the public based on surveys in the last ten years (between 70 and 80 percent). However, while the evidence is still very tentative, very recently there may have been somewhat of a slight drop in support for each of these ideas. In general, though, only about one-third to two-fifths of the public appear to support the notion of banning handguns.

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[30] Ibid., p. 307, 309.
[31] Ibid., p. 308, 310.
[32] Ibid, p. 309, 311.
[33] Ibid.,] 312–314.

GUN OWNERSHIP

As was noted above, while slightly over a majority of gun owners tend to favor the idea of a police permit to purchase a gun, it is still the case that more gun owners are less supportive of this measure and other measures similar to it than are non-owners of guns. Thus, because there appears to be a relationship between gun ownership and attitudes toward gun control, it may be informative to examine how widespread gun ownership is.

Table 9 shows the results of surveys asking about gun ownership and handgun ownership between 1959 and 1981. As is shown, the proportion of the population indicating that they own a gun has remained relatively stable over the whole period, ranging between 40 and 50 percent of the respondents. What variation there is may be a function of whether or not respondents were asked whether or not "they, personally, owned a gun" or whether there was "a gun in the house." It is possible that recently there has been a slight drop in gun ownership, although with so few recent measures, it may be premature to speculate about this.

On the other hand, the percentage of persons indicating that they own or have a handgun in their home appears to have increased slightly over the time examined. Thus, between 1959 to 1972, 16 percent of those sampled said they owned or had a handgun.

Since 1973, the percentage of persons saying they own a handgun or pistol has increased slightly into the lower 20's. Unlike the percentage of persons saying they own a gun, which appeared to fluctuate irregularly over the whole period, the percentage of persons saying they own a handgun appears, from these results, to shift slightly upward in a steady fashion. Based on what is shown in Table 9, it would appear that between 40 and 50 percent of the population owns or has guns in their homes and about 20 percent of the total population owns at least one handgun or has a handgun in their home.

The reasons given by persons for owning such guns vary quite a bit from one survey to the next. However, Table 10 shows the results of five surveys conducted between 1975 and 1981 where similar categories of reasons for owning guns were used. While the categories are not exactly the same and the methods for allowing respondents to answer differ, some conclusions may be drawn.

First, it would appear from the table that the primary reason for owning a gun is hunting. This would seem to be true whether respondents were allowed to indicate all the reasons they have for owning a gun (Harris 10/75) or whether they were forced to choose only the most important reason (DMI 5–6/78) for owning a gun.

Second, self-protection is the second reason given by most respondents for owning a gun. When asked to select all the reasons for owning a gun from a list, 55 percent of the gun owners indicated self-protection as a reason. Twenty-five percent of those asked to select the most important reason for owning a gun chose self-protection from a list, as did 34 percent when asked "why are guns kept in your home."

Third, based on the Cambridge study, it would appear that self-protection is the primary reason for owning a handgun. In that survey, 43 percent of the handgun owners indicated that self-protection was

TABLE 9.—PERCENT OF HOUSEHOLDS WHERE A GUN IS OWNED AND PERCENT OF HOUSEHOLD WHERE A HANDGUN IS OWNED

Date	Percent owning any type gun	Percent owning handgun	Research organization
September 1959	49	16	Gallup.[1]
February 1965	48	16	Gallup.[2]
April 1968	51		Harris.[3]
January 1971	51		Harris.[4]
July 1972	43	16	Gallup.[5]
1973	47	20	NORCGSS.[6]
1974	46	20	NORCGSS.[6]
June 1975	44	18	Gallup.[7]
October 1975	47	19	Gallup.[8]
October 1975	47		Harris.[9]
October 1975	41	21	DMI.[10]
1976	47	21	NORCGSS.[6]
1977	50	21	NORCGSS.[6]
January 1978	51		CBS.[11]
April–May 1978		24	Cambridge.[12]
May–June 1978	47	24	DMI.[13]
December 1978	48	20	DMI.[13]
February 1980	45		Gallup.[14]
1980	47	23	NORCGSS.[6]
January 1981	43	23	Los Angeles Times.[15]
April 1981	44	21	Los Angeles Times.[16]
April 1981	44	23	NBC.[17]

[1] Gallup, George H. The Gallup Poll; Public Opinion 1935–71. Vol. 3, New York, Random House, 1972, p. 1626. The questions read, "Do you have a gun in your home? [if YES] What type of gun?"

[2] Ibid., p. 1923. The questions read, "Does anyone in your home own a gun? [if YES] What type of gun is owned?"

[3] The Harris Survey news release, Apr. 22, 1968. The question reads, "Do you or does anyone in your house own a gun?"

[4] Louis Harris & Associates, Inc. The Harris Survey Yearbook of Public Opinion 1971, New York, 1975, p. 244. The question reads, "Do you have a gun in your house or not?"

[5] Gallup, George H. The Gallup Poll; Public Opinion 1972–77. Vol. 1, Wilmington, Del., Scholarly Resources, Inc., 1978, p. 40. The questions read, "Do you happen to have in your home any guns or revolvers? [If YES] Is it a pistol, shotgun or a rifle?"

[6] Davis, James A. General Social Surveys, 1972–80; Cumulative Codebook. Chicago, National Opinion Research Center (NORC), University of Chicago, 1980, p. 159. The questions read, "Do you happen to have in your home any guns or revolvers? [If OWN GUN] Is it a pistol, shotgun, rifle or what?" NORC codebook shows only the number of people responding, percentages were calculated by the author.

[7] The Gallup Poll news release, June 5, 1975. The questions read, "Now here is a question on gun ownership. Do you have any guns in your home [If YES] Is it a pistol, shotgun or rifle?"

[8] Gallup, Public Opinion 1972–77, vol. 1, p. 585. The questions read, "Do you have a gun in your home? [if YES] Is it a pistol, shotgun, or rifle?"

[9] The Harris Survey news release, Oct. 21, 1975. The question reads, "Do you or does anyone in your house own a gun?"

[10] Decision Making Information. Attitudes Toward Gun Control; Overview of a National Survey of the American Electorate, October 1975, Santa Ana, Calif., 1975, p. 50. The questions read, "Do you have guns of any kind in your home? [if OWN GUN] Any pistols in home?" The percentages of persons owning pistols was expressed as a percentage of gunowners in the DMI report. These perecntages have been recalculated so they appear in the above table as a percentage of all registered voters.

[11] The CBS News/New York Times poll release, Jan. 2, 1978. The question reads, "Do you, or any other member of your household own a handgun, rifle, shotgun, or any other kind of firearm?"

[12] Cambridge Reports, Inc. An Analysis of Public Attitudes Toward Handgun Control. Prepared for the Center for the Study and Prevention of Handgun Violence, June 1978, Cambridge, Mass. 1978, p. A.l The question reads, "Does anyone living in this immediate household own a handgun or pistol or not?"

[13] Decision Making Information. Attitudes of the American Electorate Toward Gun Control 1978. Report commissioned by the National Rifle Association, Santa Anna, Calif., 1979, p. 70, 118. The question read, "Do you have guns of any kind in your home? [if GUN OWNER] Are there any pistols, revolvers or other handguns in your home?" The percentage of handguns reported in the DMI report was expressed as a percentage of gun owners. This has been recalculated so that the percentage shown in the table is the percentage of handgun owners in the total sample of registered voters.

[14] The Gallup Poll news release, Feb. 3, 1980. No question wording was indicated in the release.

[15] Los Angeles Times Poll. The Fear of Crime; Los Angeles Times Poll No. 39, Jan. 18–22, 1981, Los Angeles, 1981. Question No. 55. The questions read," Do you happen to have any guns or revolvers in your home or garage? [if YES] Do you have a pistol, a shotgun, a rifle or what?"

[16] Los Angeles Times poll. Reagan's First 100 Days; Los Angeles Times Poll No. 43, Apr. 12–16, 1981, Los Angeles 1981. See footnote 15 above for the question wording.

[17] NBC News Poll release, Apr. 28, 1981. The questions read, "Do you happen to have any guns in your home? [if YES] Do you have a pistol, a rifle, a shotgun or what?"

the primary reason for purchasing a handgun. The next highest category selected was for sport or target practice at 15 percent.

In summary, based on the results of the surveys reviewed here, gun ownership is a characteristic of from between two-fifths and one-half of the households in this country. About one-fifth of the households in this country would seem to have a handgun. Hunting and self-protection, in that order, are the primary reasons given by gun owners for having guns, and self-protection is the primary reason given by handgun owners for purchasing a handgun.

TABLE 10.—REASONS FOR OWNING GUN

[In percent]

	Survey organization and date				
	Harris, October 1975[1]	DMI, October 1975[2]	Cambridge, April-May, 1978[3]	DMI, May–June, 1978[4]	Los Angeles Times, January 1981[5]
Self protection	55	17	43	25	34
Hunting	73	46	8	48	
Sport/target practice	42	23	15	12	64
Gun collection	28		5	4	10
Employment related	6		8	5	
Other		10	19	6	7

[1] The Harris Survey news release, Oct. 29, 1975. The question reads, "Do you or any other household member have a gun in order to (read list) or not?" Also 38 percent of the sample said they had a gun to "use against people if necessary," and 13 percent said to "protect their business."

[2] Decision Making Information. Attitudes Toward Gun Control; Overview of National Survey of the American Electorate. October 1975, Santa Ana, Calif., 1975, p. 55. The question reads, "[ASKED OF GUN OWNERS ONLY—41 percent of sample] which one of the following choices best describe the reason you own a gun?" It should be noted that the "hunting" category in the above table consists of those who said they owned a gun "for hunting" (22 percent) and those who indicated they owned a gun "mainly for hunting, but I'm glad its there for self-defense" (24 percent). Similarly the percentage shown for the "sport/target practice" category above consists of those who own a gun "for sport or target shooting" (9 percent) and those who own a gun "mainly for sport or target shooting, but I'm glad it'st here for self-defense." (14 percent). Consequently, the percentage shown in the table for "self protection" may be an underestimate.

[3] Cambridge Reports, Inc. An Analysis of Public Attitudes Toward Handgun Control, prepared for the Center for the Study and Prevention of Handgun Violence, June 1978, Cambridge, Mass., 1978, p. A1. The question reads, "[ASKED OF HANDGUN OWNERS ONLY—24 percent of sample] Why did they buy it?" Question applies to reason for owning handgun.

[4] Decision Making Information. Attitudes of the American Electorate Toward Gun Control 1978. Report commissioned by the National Rifle Association, Santa Ana, Calif., 1979, p. 71. The question reads, "[ASKED OF GUN OWNERS ONLY—47 percent of sample] Here is a list of a number of reasons why people own guns. Please look over the list and select the three most important reasons you have a gun." Only the first choice is shown in the table above. Also note the percentage shown in the table for "self protection" combines percentage of gun owners indicating "for protection at work" (2 percent) and "for self defense and protection at home" (23 percent), which is shown in the DMI report.

[5] Los Angeles Times Poll. The Fear of Crime; Los Angeles Times Poll No. 39, Jan. 18–22, 1981, Los Angeles, 1981. Question No. 58. The question reads "[ASKED OF GUN OWNERS ONLY] Why are guns kept in your home?"

Effects of gun control

Both proponents and opponents of stronger gun control legislation have attempted to bolster some of their arguments with discussions of the possible effects that such legislation will have if passed. Proponents, for example, have argued that such gun control measures would help reduce crime and violence by making it more difficult for criminals and assassins to get access to guns. Opponents have dismissed this argument by saying that criminals can always get guns if they want them, but that such legislation would prevent law-abiding citizens from protecting themselves. Moreover, opponents have argued that such legislation may lead to the abuse of citizen's rights to bear arms and be a violation of the Constitution. Proponents argue that a system of gun registration or police permits will still allow persons to bear arms, but would make it more difficult for criminals and insane persons to have access.

Whatever the actual effects of stronger gun control legislation, public opinion survey organizations have attempted to measure what the public believes might be effects of stronger gun control laws. For the purposes of this presentation, these results have been grouped under three headings: (1) crime and violence prevention; (2) prevention of assassination; and (3) abuse of rights.

Crime and violence prevention

Table 11 displays the results of survey questions asked about the impact of gun control or gun registration on the prevention of crime, criminal activity, violence and the possession of guns by criminals. As can be seen, the results tend to show a mixed picture. On the one hand, it would appear that, with a few exceptions, a majority of the public are not convinced that gun control will reduce violence, reduce crime, or help solve crimes.

Based upon what little evidence there is, a majority of the public also does not appear to be convinced that gun control will reduce domestic violence. For example, based on two different questions, in the October 1975 and May–June 1978 DMI surveys of registered voters, 56 and 72 percent, respectively, felt that "occasional domestic shootings are tragic, but are not enough reason to deprive everybody of the right to own a gun." [34]

On the other hand, as can be seen in Table 11, over a majority of the public appear to feel that "requiring computerized records of the name, address, race and age of every gun purchaser," "denying gun ownership to users of marijuana and those addicted to other drugs," "requiring federal licenses of gun collectors and part-time dealers," and "requiring detailed recordkeeping of gun purchases and sales by federally licensed gun dealers" will be somewhat to very effective in fighting crime. Also, about half of those interviewed either agreed or strongly agreed that "requiring all handgun owners to be licensed would reduce crime" and "requiring all handgun owners to be licensed would cut down on the number of violent crimes." Furthermore, 52 percent of those interviewed in the Cambridge study either disagreed or strongly disagreed with the statement that "requiring all handgun owners to be licensed would prevent law-abiding citizens from protecting themselves." [35]

Based on the results of the surveys covered here, it would appear that a majority of the public has mixed views about the effectiveness of gun control measures on controlling crimes and violence. There are several alternative explanations for the mixed results. First, a majority of the public could, in fact, be of a mixed mind over the effectiveness of gun control measures on preventing crime. Second, it is possible that slight shifts in attitudes occurred over the periods such that one position is favored by a majority at one time whereas with a shift of about 15 to 20 percentage points the majority is favoring another position. Because most of the questions that showed majorities believing gun control measures would be effective in preventing crime occurred on surveys conducted in mid-1978, this is a plausible interpretation. Perhaps some event occurred just prior to these surveys that caused the views of enough persons to shift to this position. Third, variation in question wording among the questions may be an explana-

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[34] The differences between the results appear to be a function of the problem mentioned by Payne in leaving out the alternative. See Payne, The Art, pp. 7–8. The October 1975 question asks the respondent to state whether they feel "exactly like" or "lean toward" the views of two persons. The wording is as follows:

"Smith believes that confiscation of handguns would decrease murders because these weapons wouldn't be convenient when someone got angry. Jones believes that occasional domestic shootings are tragic, but are not enough reason to deprive everybody of the right to own a gun."

See Decision Making Information, Attitudes Toward, October 1975, p. 32. On the other hand, the question posed to respondents in the May–June 1978 survey asked them to agree or disagree with a statement similar to Jones' position. The question reads:

"I would like to read you some statements that others have made. For each one, would you please tell me to what extent you agree or disagree with it—that is, whether you agree strongly, just agree, just disagree or disagree strongly. 'Occasional domestic shootings are tragic, but do not justify taking away the right of everyone to own a handgun.' "

See, Decision Making Information, Attitudes of the American Electorate 1978, p. 66.

[35] Cambridge Reports, Inc., An Analysis, p. A9.

TABLE 11.—PERCENTAGE OF PERSONS BELIEVING GUN CONTROL WILL HELP REDUCE CRIME, CRIMINAL ACTIVITY OR VIOLENCE

Date	Percent saying gun control will reduce crime	Research organization
October 1975	44	Harris.[1]
October 1975	31	DMI.[2]
October 1975	30	DMI.[2]
October 1975	35	DMI.[2]
October 1975	30	DMI.[2]
October 1975	37	DMI.[3]
October 1975	25	DMI.[4]
April–May 1978	49	Cambridge.[5]
April–May 1978	50	Cambridge.[5]
May–June 1978	43	DMI.[6]
May–June 1978	47	DMI.[7]
May–June 1978	27	DMI.[7]
May–June 1978	57	DMI.[7]
May–June 1978	69	DMI.[7]
May–June 1978	58	DMI.[7]
May–June	66	DMI.[7]
April 1981	47	Harris.[1]
April 1981	37	Los Angeles Times.
April 1981	50	NBC.[9]

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[1] The Harris question reads, "Do you think there would be less violence in this country if laws were passed making it harder for people to get guns, or do you think control of guns doesn't really get at the heart of the violence problem?" Results for 1975 and 1981 were reported in the Harris survey news release, Apr. 6, 1981.

[2] Decision Making Information. Attitudes Toward Gun Control; Overview of a National Survey of the American Electorate, October 1975, Santa Ana, Calif., 1975, p. 32. The results of the 4 questions appearing in the table are derived from a series of questions with a common "header" question. The "header" question and each of the 4 questions, in the order of the appearance of the results in the table, reads as follows:

"Now I'd like to try something different. I'll read you some statements by 2 men, Mr. Smith and Mr. Jones. After I read them, please tell me which one you agree with—that is, whether you are exactly like Mr. Jones, lean toward Mr. Jones, lean toward Mr. Smith or exactly like Mr. Smith.

'Smith believes that if firearms must be registered, there would be less crime because fewer people would have guns. Jones believes that if firearms must be registered, there would still be the same amount of crime because criminals would ignore the registration law;'

'Smith believes prohibiting private ownership of handguns would cause fewer handguns to be available and therefore crime would go down. Jones believes that even if criminals couldn't get handguns they'd simply use rifles and shotguns instead;'

'Smith believes that firearms registration would enable police to solve crimes by tracing firearms to their owners. Jones believes that firearms registration would not help solve more crimes because criminals wouldn't register their firearms;'

'Smith believes that firearms registration would make it more difficult for the potential criminal to get a gun. Jones believes that firearms registration wouldn't really help because potential criminals determined to get guns would get them anyway;' "

Percents shown in the table represent those persons responding either "exactly like Mr. Smith" or "lean toward Mr. Smith."

[3] Ibid., p. 47. The question reads, "I would like to read you some statements that others have made. For each one, would you please tell me to what extent you agree or disagree with it—that is, whether you agree strongly, just agree, just disagree or disagree strongly. 'Control of guns might not cut down on violence at all.' " Percent shown in table represents those persons responding either "strongly disagree" or "just disagree."

[4] Ibid., p. 45. The question reads, "Just suppose Congress passed a law requiring all guns to be turned in. Do you think such laws would be effective in reducing crime, or not?" Percent shown in table represents those persons responding "yes."

[5] Cambridge Reports, Inc. An Analysis of Public Attitudes Toward Handgun Control. Prepared for the Center for the Study and Prevention of Handgun Violence, June 1978, Cambridge, Mass., 1978, p. A9–A10. The results for the 2 questions appearing in the table are based on a series of questions with a common "header" question. The "header" question and each of the 2 questions, in the order of appearance of their respective results in the table, read as follows:

"The following are a number of arguments which are raised both for and against handgun control. Can you tell me if you strongly agree, agree, disagree or strongly disagree with each one.

'Requiring all handgun owners to be licensed would reduce crime';

'Requiring all handgun owners to be licensed would cut down on the number of violent crimes.' "

Percents shown in the table represent those persons responding either "strongly agree" or "agree" to each question.

[6] Decision Making Information. Attitudes of the American Electorate Toward Gun Control 1978. Report commissioned by the National Rifle Association, Santa Ana, Calif., 1979, p. 64. The question reads, "In recent years there has been some attention paid to the laws about who can or cannot own a gun, and what kinds of guns people can buy. And, if there were to be more firearms laws, would you expect the crime rate to decrease or increase? [After initial response, ask:] And would you expect that decrease/increase to be large or small?" Percents shown in table are based on those persons responding either "small decrease" or "large decrease."

[7] Ibid., p. 74–77. The results of the 6 questions appearing in the table are based on a series of questions with a common "header" question. The "header" question and each of the 6 questions, in the order of appearance of their respective results in the table, read as follows:

"Many government actions have been proposed which might fight crime. A group of these is listed below—for each one, please mark whether you think it would be very effective, not effective at all, or something in between in fighting crime.

'Letting police stop persons to search for illegal possession of guns';

'Outlawing private possession of all handguns';

'Requiring computerized records of the name, address, race, and age of every gun purchaser';

'Denying gun ownership to users of marijuana and those addicted to other drugs';

'Requiring Federal licenses of gun collectors and part-time dealers';

'Requiring detailed recordkeeping of gun purchases and sales by federally licensed gun dealers.' "

Apparently, respondents were shown a 7-point scale running from "1—not effective at all" to "7—very effective" with "4" as the middle or neutral category. Percents shown in table represent persons responding either "5", or "6," "7" on the scale—that is, those responding that the proposal would be effective to some degree.

[8] The Los Angeles Times Poll question reads, "Do you think that the control of handguns will reduce violent crime . . . or do you think handgun control only keeps guns away from law-abiding citizens." Los Angeles Times Poll. The First 100 days; Los Angeles Times Poll No. 43. Apr. 12–16, 1981, Los Angeles, 1981, question No. 71.

[9] The NBC News Poll question reads, "Do you agree or disagree with the following statement: Stricter gun control laws help reduce the number of murders in this country." The results of this question are reported in the NBC News Poll release of Apr. 28, 1981.

tion for the variation in results. For example, the results of questions asked in the 1975 surveys generally ask questions about "guns" or "firearms." The Cambridge study asks questions about "handguns." If respondents perceive a difference between guns or firearms (that is, equating such general terms with all types of guns) and handguns, and if handguns are believed most often used in crimes, then controlling handguns may be viewed by more persons as more effective in preventing crime than controlling handguns, rifles and shotguns.

Fourth, the way the percentage for the categories of some of these questions have been summed for presentation purposes may not be comparable with the results of other questions. For example, most of the percentage results shown in the table are either based on the results of single response categories (i.e., agree or disagree) or the summation of percentage values for two response categories (i.e., the summation of the percentage agreeing and strongly agreeing or the summation of those disagreeing and strongly disagreeing). However, the percentage values taken from the DMI May-June survey, most supportive of the view that restrictions on guns will be effective in preventing crime, are derived from the summation of the percentages of three categories in a seven point scale running from "Not Effective At All" (1) to "Very Effective" (7), with "4" being a neutral position. If, instead of summing the values of the three positions closest to the end of the scale marked "Very Effective," we only sum the values of the two categories closest to the "Very Effective" end (i.e., those percentages falling in categories "6" and "7"), the results may differ. It is possible that such a scoring method is more comparable to the results of the other questions reviewed. Thus, instead of the percentages appearing in the Table for this set of questions being 47, 27, 57, 69, 58, and 66 percent, respectively, they would be 34, 20, 46, 58, 45, and 54 percent respectively.[36] Using this summation method, support for the effectiveness of most of these measures becomes comparable with the results for the other questions. However, over a majority of persons in this sample still feel that "denying gun ownership to users of marijuana and those addicted to other drugs" and "requiring detailed recordkeeping of gun purchases and sales by federally licensed gun dealers" will be effective in fighting crime.

Which, if any, of these interpretations of the variation in results appearing in Table 11 is correct is difficult to determine. Perhaps the best that may be said is that the reaction of a majority of the public to the view that gun control measures will help reduce crime or be effective in preventing crime appears to be mixed or uncertain given the surveys that are available.

Although the view of the public about gun control measures being effective in preventing crime appears mixed, their views about such measures being effective in preventing criminals from getting guns appears to be rather clear.

As is shown in Table 12, the percentage of persons agreeing that gun control will not prevent criminals from getting access to guns ranges from 78 to 91 percent. Part of the difference in results between the Cambridge study and the three DMI studies might be explained because the DMI surveys were conducted among registered voters while the Cambridge study was a study of adults (registered and nonregistered voters). In any case, based on these four surveys, at least three-fourths of the population seem to believe in the ineffectiveness of handgun registration for keeping such weapons away from criminals.

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[36] Decision Making Information, Attitudes of the American Electorate, pp. 74–76.

TABLE 12.—PERCENTAGE BELIEVING HANDGUN CONTROL DOES NOT PREVENT CRIMINALS FROM GETTING GUNS

	Research organization and date			
	DMI, October 1975[1]	Cambridge, April–May, 1978[2]	DMI, May–June, 1978[3]	DMI, December 1978[4]
Agree	84	78	91	85
Strongly agree	53		48	42
Just agree	31		43	43
Disagree	17	13	10	14
Strongly disagree	6		2	3
Just disagree	11		8	11
Don't know		10		1

[1] Decision Making Information. Attitudes Toward Gun Control; Overview of a National Survey of the American Electorate, October 1975, Santa Ana, Calif., 1975, p. 47. The question reads, "I would like to read you some statements that others have made. For each one, would you please tell me to what extent you agree or disagree with it— that is, whether you agree strongly, just agree, just disagree or disagree strongly. 'Registration of handguns will not prevent criminals from acquiring and using them for illegal purposes.'"

[2] Cambridge Reports, Inc. An Analysis of Public Attitudes Toward Handgun Control. Prepared for the Center for the Study and Prevention of Handgun Violence, June, 1978, Cambridge, Mass., 1978, p. A11. The question reads, "Would you agree or disagree with the following statements: 'Gun control law affects only law-abiding citizens; criminals will always be able to find guns.'"

[3] Decision Making Information. Attitudes of the American Electorate Toward Gun Control 1978. Report commissioned by the National Rifle Association, Santa Ana, Calif., 1979, p. 62. The question is worded exactly as that in the earlier October 1975 study. See footnote 1 above.

[4] Ibid., p. 115. The question is worded exactly as that in the earlier October 1975 study. See footnote 1 above.

Prevention of assassination

Assassinations or attempted assassinations on Presidents of the United States or noted leaders have often appeared to motivate proponents of gun control measures to attempt to get such measures accepted or strengthened. Whatever the merits or demerits of such attempts, from what public opinion evidence is available, it would appear that a large portion of the public does not believe that such measures will prevent assassinations.

As is displayed in Table 13, between about 70 and 80 percent of the population are not convinced that gun control will prevent assassina-

TABLE 13.—PERCENT BELIEVING GUN CONTROL WILL NOT PREVENT ASSASSINATIONS

Date	Percent believing gun control won't prevent assassinations	Research organizations
October 1975	71	DMI.[1]
December 1978	81	DMI.[2]
January 1981	78	ABC.[3]
April 1981	72	NBC.[4]

[1] Decision Making Information. Attitudes Toward Gun Control; Overview of a National Survey of the American Electorate, October 1975, Santa Ana, Calif., 1975, p. 41. The question reads, "I would like to read you some statements that others have made. For each one, would you please tell me to what extent you agree or disagree with it—that is, whether you agree strongly, just agree, just disagree, or disagree strongly, 'Assassination attempts on public officials could be avoided by banning private ownership of handguns.'" The percent shown in the table represents those persons responding "just disagree" or "disagree strongly" to the question. It should be noted that this survey was conducted after the 2 assassination attempts on President Ford.

[2] Decision Making Information. Attitudes of the American Electorate Toward Gun Control 1978. Report commissioned by the National Rifle Association, Santa Ana, Calif., 1979, p. 115. The question wording is the same as that for the earlier October 1975 survey. See footnote 1 above.

[3] ABC News/Washington Post Poll release, Jan. 4, 1981. The question reads, "Would you say you tend to agree or disagree with the following statement? 'No gun control law, no matter how strong, could prevent an assassin from getting a gun and shooting a President.'" The percent shown in the table represents those persons who responded "agree."

[4] NBC News Poll release, Apr. 28, 1981. The question reads, "Do you think that stricter gun control laws would or would not have prevented the recent assassination attempt on President Reagan?" The percent shown in the table represents those persons responding "would not" to the question.

tions. As a reaction to actual attempts on Presidents Ford and Reagan, the percentage of person holding such a view appears to drop to the low 70's. However, the percentage of persons holding the general notion that gun control measures do not prevent assassinations appears to be about 80 percent.

Abuse of rights

Opponents to gun control legislation often argue that such measures are either a violation of the rights of citizens to bear arms as guaranteed by the Bill of Rights or that such measures may lead to abuses of those rights.

The few studies of the attitudes of the public about the right to bear arms that are available take two different approaches. First, the DMI studies examined whether or not the public felt that citizens do have a right to bear arms. Second, both the DMI studies and the Cambridge study examined the views of the public about the possible impact of gun control measures on the citizen's right to bear arms.

Table 14 shows the results of the three DMI surveys examining whether or not registered voters believe that citizens have a right to bear arms. As is shown in Table 14, between 70 and 89 percent of registered voters felt that citizens of the United States have a right to bear arms, or own a gun. Thus, at least among registered voters, there appears to be little doubt in the minds of a sizeable majority of people that they can own a gun.

TABLE 14.—PERCENT BELIEVING CITIZENS HAVE A RIGHT TO BEAR ARMS

Date	Percent believing in right to bear arms	Research organization
October 1975	82	DMI.[1]
October 1975	78	DMI.[2]
October 1975	70	DMI.[3]
October 1975	75	DMI.[4]
May–June, 1978	89	DMI.[5]
May–June, 1978	87	DMI.[6]
May–June, 1978	84	DMI.[7]
December 1978	87	DMI.[8]
December 1978	83	DMI.[9]

[1] Decision Making Information. Attitudes Toward Gun Control; Overview of a National Survey of the American Electorate, October 1975, Santa Ana, Calif., 1975, p. 28. The question reads, "Do you believe that you, as a citizen have a right to own a gun, or not?"

[2] Ibid., p. 28. The question reads, "Do you believe that the Constitution of the United States gives you the right to keep and bear arms, or not?"

[3] Ibid., p. 28. The question reads, "Do you think that the 'right to keep and bear arms' applies to each individual citizen or only to the National Guard?" Percent shown in table represents those persons responding "individual citizen."

[4] Ibid., p. 32. The question reads, "Now I'd like to try something different. I'll read you some statements by 2 men, Mr. Smith and Mr. Jones. After I read them, please tell me which one you agree with—that is, whether you are exactly like Mr. Jones, lean toward Mr. Jones, lean toward Mr. Smith, or exactly like Mr. Smith.

'Smith believes that no private individual should be allowed to own a handgun. Jones believes that any law-abiding citizen without a criminal record should be entitled to keep a handgun if he or she wants to.' "

The percent shown in the table represents those persons responding either "lean toward Mr. Jones" or "exactly like Mr. Jones."

[5] Decision Making Information. Attitudes of the American Electorate Toward Gun Control 1978. Report commissioned by the National Rifle Association. Santa Ana, Calif., 1979, p. 35. The question is the same as the question in footnote 1 above.

[6] Ibid., p. 35. The question is the same as the question in footnote 2 above.

[7] Ibid., p. 67. The question reads, "I would like to read you some statements that others have made. For each one, would you please tell me to what extent you agree or disagree with it—that is, whether you agree strongly, just agree, just disagree or disagree strongly. 'No private individual should be allowed to own a handgun.' " The percent shown in the table represents those persons responding "just disagree" or "disagree strongly."

[8] Ibid., p. 115. See footnote 1 above for the question wording.

[9] Ibid., p. 115. See footnote 7 above for the question wording.

Whether or not gun control measures may conflict with such a right might be construed as another question altogether. Table 15 shows the results of several questions taken from the DMI and Cambridge surveys that ask whether or not gun registration will lead to the confiscation of guns by the government. As can be seen, between 37 and 51 percent of those surveyed appear to believe that such a registration program may lead to the confiscation of all guns. The differences among the results may be partly due to the fact that the DMI study surveyed only registered voters while the Cambridge study surveyed all adults.

The difference between the two May–June DMI questions is also interesting. Part of this difference may be due to the fact that one question is dealing with "gun registration" while the other is dealing with "handguns." However, another possible interpretation of these differences may be a function of what is referred to as "acquiescence response set," that is, the tendency to respond in agreement (or disagreement) with a question regardless of what is asked.[37] Thus, by reversing the order of the question the way DMI did, some people may have responded affirmatively or in agreement without giving it much thought.

TABLE 15.—PERCENTAGE BELIEVING GUN REGISTRATION WILL LEAD TO GUN CONFISCATION OR MORE GOVERNMENT CONTROL

Date	Percent believing gun control means gun confiscation	Research organization
October 1975	50	DMI.[1]
April–May 1978	37	Cambridge[2]
April–May 1978	39	Do.[2]
May–June 1978	51	DMI.[3]
May–June 1978	37	DMI.[3]

[1] Decision Making Information. Attitudes Toward Gun Control; Overview of a National Survey of the American Electorate October 1975, Santa Ana, Calif., 1975, p. 34. The question reads, "I would like to read you some statements that others have made. For each one, would you please tell me to what extent you agree or disagree with it—that is, whether you agree strongly, just agree, just disagree or disagree strongly, 'A national gun registration program will eventually lead to the confiscation of registered guns by the Government.' " The percent shown in the table represents those persons responding "just agree" or "agree strongly."

[2] Cambridge Reports, Inc. An Analysis of Public Attitudes Toward Handgun Control. Prepared for the Center for the Study and Prevention of Handgun Violence, June 1978, Cambridge, Mass., 1978, p. A9–A10. The results of the 2 questions appearing in the table are based on a series of questions with a common "header" question. The "header" question and each of the 2 questions, in the order of appearance of their respective results in the table, read as follows:

"The following are a number of arguments which are raised both for and against handgun control. Can you tell me if you strongly agree, agree, disagree or strongly disagree with each one.

'Requiring all handgun owners to be licensed is just another step by government to interfere in people's lives and limit their freedom;'

'Requiring all handgun owners to be licensed is just the first step in confiscating all guns, including shotguns.' "

The percents shown in the table represent those persons responding "agree" or "strongly agree."

[3] Decision Making Information. Attitudes of the American Electorate Toward Gun Control 1978. Report commissioned by the National Rifle Association, Santa Ana, Calif., 1979, p. 66–67. The results of the 2 questions appearing in the table are based on a series of questions with a common "header" question. The "header" question and each of the 2 questions, in the order of appearance of their respective results in the table, read as follows:

"I would like to read you some statements that others have made. For each one, would you please tell me to what extent you agree or disagree with it—that is, whether you agree strongly, just agree, just disagree or disagree strongly.

'A national gun registration program might well eventually lead to the confiscation of registered firearms by the Government;'

'Prohibiting private possession of handguns will not lead to prohibiting all types of guns.' "

The percent shown in the table for the first question represents those persons responding "just agree" or "strongly agree." The percent shown in the table for the second question represents those persons responding "just disagree" or "strongly disagree."

Summary

This section has reviewed the results of surveys of the public about the effect gun control measures might have on reducing crime, preventing assassinations and abusing the rights of citizens to bear arms.

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[37] Selltiz, Claire, Lawrence S. Wrightman, and Stuart W. Cook. Research Methods in Social Relations, 3 ed. New York, N.Y., Holt, Rinehart and Winston, 1976, pp. 165–66.

With respect to preventing crime, the results of the surveys were mixed. Between 25 and 69 percent of the persons interviewed using a variety of questions indicated in some fashion that they felt that gun control measures would help prevent or fight crime. However, substantially large majorities (between 78 and 91 percent) felt that handgun control would not prevent criminals from getting guns. Furthermore, large majorities (between 71 and 81 percent) indicated that they did not believe gun control measures would prevent assassinations.

Large portions of the public (between 70 and 89 percent) feel that the citizens of the United States have a right to bear arms. However, on the issue of whether or not gun control measures will lead to the confiscation of all guns, the findings are not as clear. Between 37 and 51 percent of those surveyed responded that they felt that gun control would lead to gun confiscation by the government.

EFFECT OF ATTITUDES ABOUT GUN CONTROL ON POLITICS AND ELECTIONS

Survey research analysts have also attempted to examine the potential impact of people's views about gun control on politics and elections. Such research that has occurred has focused on three aspects relating to the relationship between attitudes on gun control and politics and elections. First, some researchers have examined the importance of gun control as an issue relative to the importance of other issues. Second, some surveys have examined directly whether or not people say they would choose not to vote for a person because he or she took a position on gun control opposite from that of the respondents. And third, some sociologists, puzzled over the apparent high levels of support for gun control legislation among the general public and the inactivity on the part of legislative bodies with respect to gun control, have examined why this discrepancy occurs.

Thus, each of these approaches provides information that can place the attitudes of the public about gun control within the overall context of politics and elections.

Importance of gun control as an issue

As was noted in the earlier discussions about the limitations on survey results, the American public tends to be very cooperative and vocal when asked to express their opinion on most subjects. However, the examination of public opinion survey results on a single issue like gun control may tend to overstate the importance of that issue to respondents relative to the importance of other issues. One way to examine the relative importance of various issues to the public is through survey questions that ask respondents what they consider the most important issue or problem facing the country is. Generally, respondents are not provided a list, but rather are allowed to freely express what issue or issues come to their minds.

The Gallup organization periodically includes such a question in its surveys. Since 1970, with a few exceptions, three issues have been given by survey respondents as being most important. These have been inflation, unemployment and the energy crisis. Earlier in the decade Vietnam and corruption/trust in government were also given as important problems.

In none of the survey results reported by the Gallup firm was gun control mentioned as an important issue facing the country. The issue that was mentioned which comes closest to being related was crime and lawlessness. However, since 1974, with one exception, no more than 10 percent of the persons surveyed mentioned crime as an important problem facing the country.[38] It is possible that many persons view crime and lawlessness more as a local problem rather than a national problem.

The view that crime is considered more of a local problem is supported by the results of the earlier October 1975 DMI survey. When respondents to this survey were asked about the most important problem facing the nation, 13 percent mentioned crime or law enforcement. When respondents were asked about the most important problem facing the community, 22 percent mentioned crime or law enforcement with crime alone being mentioned by 18 percent of the registered voters.[39] In the October 1975 DMI survey, less than 0.5 percent mentioned gun control (either pro or anti) as the most important community problem and in the 1978 DMI survey 0.2 percent of the registered voters felt gun control was the most important problem facing our country.[40] Based on what evidence is available, very few people appear to see the gun control issue as an important problem facing this country.

Attitudes on gun control and voting

While gun control may not be deemed a major national problem, it is possible that in any given election a stance by a candidate either for or against gun control may be enough to alienate some voters and draw support from others. Some survey organizations have asked questions of their respondents in an attempt to see if this is in fact true and, if so, to what extent.

In 1972, the Gallup Organization asked a national sample of adults whether they would be more inclined or less inclined to support a Presidential candidate who took the position of "stricter controls on firearms." According to Gallup, 62 percent of those persons surveyed said they would be more inclined, 26 percent said they would be less inclined and 12 percent said they had no opinion.[41]

In the April–May 1978 survey conducted by Cambridge Reports, Inc., two questions were posed that attempted to measure people's reaction to voting for candidates that took stands on gun control. First, similar to the earlier Gallup question, respondents were asked if they would be "much more inclined, somewhat more inclined, somewhat less inclined or much less inclined to vote for a candidate who favored handgun controls." Twenty-two percent of the sample said they would be "much more inclined," 27 percent said they would be

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[38] The results to the Gallup "Most Important Problem" question was reported at irregular intervals over the whole decade in the Gallup Opinion Index. See The Gallup Opinion Index. Princeton, N.J., The American Institute of Public Opinion (Gallup), January 1970–September 1981. It should be noted that the fact gun control was not listed in the Gallup reports does not mean that no person mentioned it as an important issue. The issues listed in the Gallup reports generally constitute the top 10 issues mentioned. It is likely though that no more than 0.5 percent of the sampled persons mentioned gun control as a major problem.

[39] Decision Making Information, Attitudes Toward, pp. 11–12.

[40] Ibid., p. 12. Decision Making Information, Attitudes of the American Electorate, p. 3.

[41] Gallup, George H. The Gallup Poll: Public Opinion 1972–1977, vol. 1. Wilmington, Delaware, Scholarly Resources, Inc., 1978, pp. 51–52.

"somewhat more inclined," 15 percent said they would be "somewhat less inclined," 13 percent said they would be "much less inclined," and 23 percent said they did not know.[42]

A second, more strongly worded question was also asked. Respondents were asked to agree or disagree with the following statement: "I would never vote for a political candidate who favored banning the sale of all handguns to private citizens." In this case, 37 percent of the survey respondents agreed with this statement, 40 percent disagreed, and 24 percent did not know.[43]

In a 1978 survey and again in 1979, the Harris Organization posed separate questions to respondents who had first indicated whether they favored or opposed a Federal law requiring the registration of handguns. Those persons who had said they favored such a law (80 percent in 1978 and 79 percent in 1979) were asked whether they would vote against a candidate for Congress who took a stand opposed to the Federal registration of handguns. In 1978, 33 percent, and in 1979, 29 percent of those who favored such a law indicated they would vote against a Congressional candidate who took a stand opposed to that law, while 57 and 63 percent, respectively, indicated they would not and 10 and 8 percent, respectively, said they were not sure.

Those people who had indicated that they opposed a law requiring Federal registration of handguns (18 percent in 1978 and 20 percent in 1979) were asked if they would vote against a Congressional candidate who took a stand in favor of such a law. In 1978, 45 percent, and in 1979, 37 percent of those persons who said they were opposed to such a law indicated they would vote against a Congressional candidate who favored the law, while 50 and 54 percent, respectively, said they would not vote against the candidate and 5 and 9 percent, respectively, said they were not sure.[44]

Two points are worth noting from the results of this Harris survey. First, it would appear that more opponents of gun control measures are more likely to act on their views at the polling both than proponents. Second, at least nationally, about three times as many people said they would vote against a congressional candidate who opposed the gun control measure (26 percent of the total sample in 1978 and 22 percent in 1979) as said they would vote against a Congressional candidate who favored such a gun control measure (8 percent of the total sample in 1978 and 7 percent in 1979).

Intensity of feelings about gun control and politics

Some researchers have noted that even though support for gun registration has remained very strong for many years, Congress has not chosen to enact any legislation that would require a nationwide police permit system. Several suggestions have been made why this is so.

One argument is that standard questions about gun registration laws asked on polls are defective in some way. While some of this report would suggest that this does not appear to be the case, two researchers from the University of Michigan have explored this issue more fully using a variety of questions on gun control registration. While they conclude that exposing respondents to reasons for opposing gun registration in the questions asked does reduce somewhat the size of the pro-registration majority, a clear majority of the public still responds favorably to gun registration.[45]

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[42] Cambridge Reports, Inc., An Analysis, p. 70.

[43] Ibid., p. 72.

[44] Harris, Louis. Americans Continue to Show High Level of Support for Gun Control. ABC News/Harris Survey news release, Aug. 16, 1979, pp. 2–3.

Another argument for explaining the discrepancy between the level of support for gun registration and legislative inactivity of the Congress in this area is that although opponents of gun registration measures constitute a minority, they hold their views with a great deal more intensity and are more willing to act on them.

Schuman and Presser explore this argument in a recent article. They find that, contrary to accepted views, proponents of gun registration hold their opinions about gun registration slightly more intensely than do opponents. Furthermore, opponents of gun registration are only silghtly more likely to say that a candidate's position on gun permits is the most important factor in deciding how they vote in Congressional elections than are proponents.[46] However, what they do find is that opponents of a national law requiring police permits to own a gun are almost three times as likely to report that they either wrote a letter expressing their views to a public official, or gave money to an organization concerned with this issue or both than are proponents (20.4 percent to 7.1 percent).[47] Thus, even though proponents and opponents appear to hold their views with about equal levels of intensity, it would appear that opponents are much more likely to act on those views than are the proponents of gun registration measures. As they argue,

> What these findings seem to us to point to, albeit without direct evidence, is an efficient lobby against gun control legislation, which is able to activate adherents whenever necessary, while those on the other side remain unable to come together for effective action. . . . The activation is not independent of the attitude strength of permit opponents, however, since it is just those with strong positions who appear to respond to such mobilizing efforts.[48]

Summary

What evidence that is available for the relationship between attitudes about gun control and their effect on politics and elections suggests that (1) relative to other issues, gun control measures are not perceived to be one of the more important problems facing this country; (2) however, a portion of proponents of gun registration and a slightly larger portion of opponents of gun registration indicate that a candidate's position on this issue would influence how they voted; and (3) finally, while the strength of their attitudes about gun regulation appears similar among both proponents and opponents, there is some evidence that opponents are much more likely to act on their views.

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[45] Schuman, Howard, and Stanley Presser. Attitude Measurement and the Gun Control Paradox. Public Opinion Quarterly, v. 41, Winter 1977–1978, pp. 427–438.

[46] Schu[illegible] Howard, and Stanley Presser. The Attitude-Action Connection and the Issue of Gun [illegible] Annals of the American Academy of Political and Social Science, v. 455, May 1981, pp. 4[illegible].

[47] Ibid., p. 44.

[48] Ibid., pp. 45–[illegible].

OVERALL SUMMARY

The results of this review of public opinion survey findings suggests that the support for the idea of some type of gun registration law, especially if it applies to handguns, is substantial and has been stable for at least the last 20 years. On the other hand, support for a total ban on handguns appears to be a view held by a minority of the public, although a sizeable one.

However, why there is such support for gun registration does not appear to be all that clear. Based on the evidence available, a clear case cannot be made that a majority of the public feel such a registration system will help reduce crime. In fact, it may well be easier to make the opposite case. According to the available evidence, a sizeable majority believes that criminals will still be able to get guns even if there is a registration system. Futhermore, there appears to be evidence to the fact that a large proportion of the public feels that gun control measures will not prevent assassinations of political leaders.

Also, there is some evidence to indicate that between two-fifths to one-half of the public believe that gun control measures will lead to gun confiscation.

While there is evidence that opponents of gun registration are more likely to act on their belief than proponents, a proportion of both groups indicate they would vote against candidates who opposed their position. Moreover, relative to other issues gun control is not viewed as one of the more important issues.

James Wright provides one summary of the views of the public about this issue:

> So far as public opinion on such a complex issue can be summarized at all, the thrust of majority thinking on gun control seems to be that the government should be just as careful about who is allowed to own and use a firearm as it is about who is allowed to own and use automobiles or other potentially hazardous commodities. And just as licensing and registration of automobiles seem to have very little effect on reducing automobile accidents, so too do most people anticipate that stricter weapons controls would have little or no effect on crime. This, however, does not prevent them from favoring at least stricter gun control measures. The underlying concept here seems to be that weapons, as automobiles, are intrinsically dangerous objects that governments ought to keep track of for that reason alone. Whether doing so would reduce the level of crime or violence in the society seems to be taken as a separate issue entirely.[40]

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[40] Wright, Public Opinion, p. 39.

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